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Carpenter's Reply to Sumner.
June 23, 1872.

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Carpenter's Reply to Sumner.

The Senate having under consideration the motion to postpone indefinitely the sundry civil expenses appropriation bill—

Mr. CARPENTER said:

Mr. PRESIDENT: The subject of sale of arms to France has been the occasion of singular and eccentric proceedings in the course of this session. We were proceeding in a quiet and orderly way when the Senator from Massachusetts [Mr. SUMNER] introduced a preamble and resolution which struck the Senate and the country like a clap of thunder from a clear sky. As that preamble and resolution are the foundation of all that has since occurred in relation to that subject, and because I desire to furnish to the historian the material necessary to place the real character of the Senator from Massachusetts before posterity, I ask the Secretary to read them.

The Chief Clerk read as follows:

Whereas it appears from a recent cable telegram that the committee of the French National Assembly on war contracts has adopted a resolution asking the United States Government to furnish the result of inquiry into the conduct of American officials suspected of participating in the purchase of arms for the French Government during the war with Germany; and

Whereas one Squires, agent of Messrs. Remington & Sons, at New York, in a dispatch dated at New York October 8, 1870, addressed to Samuel Remington, at Tours, in France, near the government of national defense, uses the following language: "We have the strongest influences working for us, which will use all their efforts to succeed;" and

Whereas in a letter dated at New York, December 13, 1871, addressed by Samuel Remington to Jules Le Cesne, president of the armament committee at Tours, in France, the following language is employed:

NEW YORK, *December* 13, 1870.

SIR: I have the honor to inform you I have received your telegram of the 10th and 11th, ordering the number of batteries to be reduced in number to fifty, and informing me of instructions to the consul regarding the last credit to him of 3,000,000 of francs.

Although at the time of the receipt of the telegram I had bought the whole number, one hundred, and had paid the advance required, $200,000, the Government very willingly reduced the number to fifty. * * * * * * * * * *

Regarding the purchase of Springfields, (transformed,) Allen's system, I am sorry to say the greatest number we may hope to get will not, I fear, exceed forty thousand. The Government has never made but about seventy-five thousand all told, and forty thousand is the greatest number they think it prudent to spare. I may be able to procure, depending upon an exchange of our arms at some future time, for the number of breech-loading Springfields over and above forty thousand they are willing to let go now.

This question of an exchange, with the very friendly feeling I find existing to aid France, I hope to be able to procure more. Cartridges for these forty thousand will in a great measure require to be made, as the Government have but about three millions on hand; but the Government has consented to allow the requisite number, four hundred for each gun, to be made, and the cartridge-works have had orders (given yesterday) to increase production to the full capacity of works. This question of making the cartridges at the Government works was a difficult one to get over, but it is done. The price the Government will charge for the guns and cartridges will be ——, or as near that as possible.

JULES LE CESNE, esq.,
President Commission of Armament, &c.

Whereas the Secretary of War, under date of January 19, 1872, addressed the following communication to the Secretary of State:

WAR DEPARTMENT,
WASHINGTON CITY, *January* 19, 1872.

SIR: I have the honor to acknowledge the receipt of a note from you of the 4th instant, inclosing, by request of Mr. de Bellonnet, chargé d'affaires of France, a copy of a letter from Mr. Remington to the president of the commission of armament at Tours, containing a series of allegations in regard to the purchase of arms, &c.

The first of these allegations which seem to require specific replies is, "cartridges for these forty thousand will in a great measure require to be made, as the Government have but about three million on hand; but the Government has consented to allow the requisite number, four hundred for each gun, to be made, and the cartridge-works have orders (given yesterday) to increase production to the full capacity of the works. This question of making the cartridges at the Government works was a difficult one to get over, but it is done."

In reply to that allegation, I have to say that on the 13th of December, 1870, cartridges necessary to supply about two hundred rounds per gun to the model 1866 breech-loaders sold Thomas Richardson were ordered to be manufactured at the Frankford arsenal, and this number of cartridges was necessary to effect the sale of the arms. The Messrs. Remington & Sons did not buy any arms or ammunition from this Department after about the middle of October, 1870, nor would any bid from them for such articles have been entertained by the United States subsequent to that date.

To the second prominent allegation which is contained in the paper purporting to be a copy of a tele-

gram from Squires to Remington, and which is herewith returned. I have the honor to reply that this Department has no knowledge of any influence exerted in favor of, or for the success of, any transaction between the United States and Mr. Squires, for himself or Messrs. Remington & Sons.

Very respectfully, your obedient servant,

WM. W. BELKNAP,
Secretary of War.

To the Hon. SECRETARY OF STATE.

Whereas it appears from these several communications, not only that arms were sold, but that ammunition was manufactured in the workshops of the United States Government, and sold to one Thomas Richardson, the known attorney of Messrs. Remington & Sons, when the bids of the latter had been thrown out for the reason that they were the agents of the French Government; and,

Whereas it appears from the official report of the Secretary of War that in the years 1870 and 1871 the sale of ordnance stores reached the sum of $10,000,000, from which, according to the report, only a small sum was retained to meet the expenses of preparing other stores for sale, while the official report of the Secretary of the Treasury for the same year acknowledges the receipt of only $8,286,131 70, showing a difference of over $1,700,000; and

Whereas a comparison of the accounts rendered by the French Government for moneys expended by its agents in the purchase of arms from the United States and the accounts rendered by the Government of the United States for moneys received in the same transaction show a large difference, which seems to have given rise to the suspicion abroad that United States officials have taken an undue part therein; and

Whereas the good name of the American Government seems to be seriously compromised by these incidents, and a just regard to national honor, as well as to the interests of the Treasury, require that they should not be allowed to pass without the most thorough inquiry: Therefore,

Resolved, That a select committee of seven be appointed to investigate all sales of ordnance stores made by the Government of the United States during the fiscal year ending the 30th of June, A. D. 1871, to ascertain the persons to whom such sales were made, the circumstances under which they were made, the sums respectively paid by said purchasers to the United States, and the disposition made of the proceeds of said sales; and that said committee also inquire and report whether any member of the Senate, or any other American citizen is or has been in communication or collusion with the Government or authorities of France, or with any agent or officer thereof, in reference to the said matters; and that the committee have power to send for persons and papers; and that the investigation be conducted in public.

Mr. CARPENTER. Mr. President, assuming that the Senator from Massachusetts, in offering this preamble and resolution, was actuated by patriotic, not partisan motives, assuming that he was anxious only to preserve the honor of our country, and that he was free from any malicious impulse against the Administration, he was justified in saying that the matter deserved the serious consideration of Congress. The preamble recited the passage of a resolution, by a committee of the French Assembly, casting suspicion upon the good faith of our Government; secondly, a supposed discrepancy between the War and Treasury Departments of over a million dollars; from which he drew the presumption that there had been grossly corrupt jobbing in the sale of these arms, in which officers of our Government had participated, and that the sales, in view of the circumstances under which they were made, flagrantly violated the neutral duties of the United States pending the great war between France and Germany. And not a member of the Senate objected to an honest and thorough investigation touching this matter; and the resolution, apart from the preamble, might have been passed in the morning hour of any day, without debate. But many Senators were opposed to adopting the preamble, which substantially declared guilt in advance of an investigation. Therefore a debate took place. Indeed, the Senator from Massachusetts seemed unwilling to permit the passage of his resolution without a previous debate, which would enable him, in advance of investigation, to poison the public mind; thus demonstrating that he had in view some end wholly different from an honest investigation of the facts. Therefore more than two weeks of our session was exhausted and worse than wasted in a political discussion, as a prelude to an investigation to which no Senator objected.

Having been challenged by the Senator from Massachusetts as incompetent to serve upon the committee, upon the assumption that I was opposed to "the thing," I ask the Secretary to read an extract from the remarks made by me upon that Senator's motion to postpone the consideration of an appropriation bill and proceed to consider his preamble and resolution.

The Chief Clerk read as follows:

"As a friend of the Senator from Massachusetts, I am opposed to suspending him in this juncture of affairs, with the fuse lighted, which at this period, if he were to stop, would be very likely to burn his fingers. No, let the proceedings go on; let this investigation be had; and I will vote for every measure, I will vote for every proposition that can insure a thorough, speedy, stringent investigation of this subject, and wherever guilt is established and wrong proved, there let censure fall and punishment await the guilty."

Mr. CARPENTER. This pledge I fully redeemed. I voted for every amendment which was offered to the resolution enlarging its scope and intensifying its purpose, and then voted for the resolution as it passed the Senate. After about two weeks' debate the Senator from Massachusetts had become ashamed of his preamble and attempted to withdraw it; to which the Senator from Ohio [Mr. SHERMAN] objected upon the ground that after the Senator from Massachusetts had wasted two weeks of the session upon a wholly useless debate, he ought not to be permitted to withdraw the preamble, and thus conceal the ground upon which the debate had proceeded. Afterwards, upon the 29th of February, the vote was taken upon the adoption of the resolution, and I ask the Secretary to read the yeas and nays by which it was adopted.

The Chief Clerk read as follows:

"YEAS—Messrs. Ames, Anthony, Blair, Boreman, Brownlow, Caldwell, Cameron, Carpenter, Casserly, Chandler, Clayton, Conkling, Corbett, Cragin, Davis of West Virginia, Ferry of Connecticut, Ferry of

Michigan, Flanagan, Goldthwaite, Hamilton of Texas, Hamlin, Harlan, Hill, Hitchcock, Johnston, Kellogg, Kelly, Logan, Morrill of Vermont, Morton, Nye, Osborn, Pomeroy, Pratt, Ramsey, Rice, Robertson, Saulsbury, Sawyer, Schurz, Scott, Sherman, Spencer, Sprague, Stevenson, Stockton, Sumner, Thurman, Tipton, Trumbull, Vickers, and Windom—52.

"NAYS—Messrs. Cole, Edmunds, Gilbert, Lewis, and Wright—5."

Mr. CARPENTER. It will thus be seen that the Senate selected this committee from those who had voted for the investigation; and the Senators who voted against adopting the resolution did so because they had become satisfied, during the debate, that the whole proceeding was unfounded and malicious.

On the 29th of February the Senator from Massachusetts again attempted to withdraw his preamble, and on that occasion the Senator from Ohio [Mr. SHERMAN] stated the true condition of the question before the Senate, and the reason why the Senator should not be permitted to withdraw it. I ask the Secretary to read.

The Chief Clerk read as follows:

"Mr. SHERMAN. At the very outset of the proposition I, with the assent of every Senator around me, openly proposed that the resolution should be passed *nem. con.*, without debate, and everybody around me, even my friend on my right, [Mr. COLE,] who voted against it finally because he thought the very groundwork of the investigation had been dissipated by the debate—even he was anxious originally to have the resolution passed. This resolution might have been passed on the very first day it was offered by a unanimous vote of the Senate, and the Senator from Massachusetts as chairman of the committee appointed under it might have been at work investigating the evidence upon which all these vague imputations are founded.

"Sir, if this was an investigation for purity, for good order, for integrity, for honesty, as has been proclaimed so often, why has the resolution not been passed for three weeks? Why has the resolution of investigation been debated here for three weeks when within that time all the testimony might have been taken in proper form, all the witnesses might have been examined, the archives of the War Department and Treasury Department, and all these matter might have been explored from the beginning to the end under the careful guidance of the Senator from Massachusetts himself? There was no other reason except that he and other Senators here desired a political debate at the expense of all the business interests of this country."

Mr. CARPENTER. I have requested the Secretary to read from the speech of the Senator from Ohio, because he objected to the withdrawal of the preamble by the Senator from Massachusetts. The same thing was stated over and over again by other Senators; by the honorable Senator from Indiana [Mr. MORTON] and by many others. The fact was patent that the resolution could have been passed at any time without a moment's debate; in ten minutes, says the Senator from Indiana. Every friend of the Administration felt that after the resolution was offered, a thorough and searching investigation was an absolute necessity, even in the interest of the Administration; but two weeks of our precious time were wasted in a political debate, because the Senator from Massachusetts insisted that his preamble should be considered, although after all it is due to him to say that he became ashamed of it and sought to withdraw it. On the 29th of February a motion to lay the preamble on the table was voted upon, and I ask the Secretary to read the yeas and nays upon that question.

The Chief Clerk read as follows:

"Mr. THURMAN. I want to know what question the Senate is to vote on.

"The VICE PRESIDENT. To lay the preamble on the table, upon which the yeas and nays have been ordered.

"The question being taken by yeas and nays, resulted—yeas 40, nay 1; as follows:

"YEAS—Messrs. Boreman, Brownlow, Caldwell, Cameron, Carpenter, Casserly, Clayton, Conkling, Cragin, Davis of West Virginia, Flanagan, Frelinghuysen, Gilbert, Goldthwaite, Harlan, Hill, Johnston, Kellogg, Kelly, Logan, Morrill of Vermont, Morton, Norwood, Nye, Osborn, Pratt, Robertson, Schurz, Scott, Sherman, Spencer, Sprague, Stevenson, Sumner, Thurman, Tipton, Trumbull, Vickers, West, and Wright—40.

"NAY—Mr. Edmunds—1."

Mr. CARPENTER. Thus it will be seen, Mr. President, that the Senate with but one dissenting vote laid this preamble on the table, and that the Senator from Massachusetts was among those who voted to consign it to that fate. Next the Senate elected a committee in pursuance of the resolution. That act of the Senate has been arraigned by the Senator from Massachusetts in a formal protest which he has spread upon the record, and which is to go down to posterity as his criticism upon and his condemnation of the Senate itself. He maintained that members of the committee were incompetent to sit upon it, upon the ground that they had expressed an opinion adverse to what he calls, I think very properly, "the thing;" for if there ever was anything since the world began that merited that contemptuous appellation, it was this investigation, which was *a thing*, a mere thing, a very contemptible thing.

The record shows that every member of the committee was in favor of an investigation; voted for every amendment which was offered to the resolution enlarging its scope, even an amendment offered by the Senator from Missouri [Mr. SCHURZ] in regard to the sale of muskets and the defenseless condition of the country in consequence; voted for the amendment offered by the Senator from New York [Mr. CONKLING] to investigate the conduct of Senators; voted for every amendment that was offered, and then for the resolution itself.

Now, even within the parliamentary rule—which I understand to apply only to a case where the presiding officer of a legislative body is appointing a committee, that he shall commit the measure to its friends—this measure was committed to its friends, if by measure is meant an honest investigation of the facts. Every member of the committee voted for the resolution and every amendment to it, and had from first to last avowed himself in favor of the most searching investigation; and when

the Senator from Massachusetts says this "thing" was not committed to its friends, he must mean that "the thing" was a design to accomplish something altogether different from an honest investigation of the facts.

Mr. President, the Senator's purpose is now revealed. We know what his motive was; we know it was not to investigate the facts. The facts were not wanted, else the resolution would have been passed at once and the facts obtained without delay; but it was desired to have a two weeks' debate, a deliberate, premeditated, malicious, assault upon the Administration, based upon nothing save the assumption of facts recited in the preamble; and the subsequent course of that Senator has abundantly demonstrated that "the thing" was not an investigation, but an attempt to blacken this Administration without regard to truth or justice.

Well, Mr. President, notwithstanding the protest and challenge to the array which was made by the Senator from Massachusetts, denying that the committee had any right to proceed, denying that the chairman had any right to examine the witnesses, insisting that the examination should be made exclusively by the Senator from Missouri, [Mr. SCHURZ,] who was not a member of the committee; the committee, notwithstanding that protest, proceeded to obey the recorded command of the Senate, thinking that our duty was prescribed by the Senate rather than by the protest of the Senator from Massachusetts.

As to the first act of the committee—and I cite it to show that a fair investigation was intended by the committee—its chairman addressed a letter to the Senator from Massachusetts, and another to the Senator from Missouri, requesting them to furnish the committee with any information upon the subject which they possessed, and with the names of any witnesses that they desired to have examined.

The Senator from Missouri returned a written answer to the committee, which is printed in the report, and the substance of which was that it would be useless for him to furnish names of witnesses unless he could be present to examine them. The committee thereupon invited the Senator from Missouri to attend its sessions, and informed him that he would be permitted to examine or cross-examine every witness, and that every person in the United States that he desired to have examined would be subpenaed and submitted to his examination The Senator from Missouri accepted this invitation, and performed the office of prosecutor. He was present at every session of the committee; he was present at the examination of every witness before the committee. I believe not a question was put or answer given except in the presence of the Senator from Missouri. Numerous witnesses whose names he furnished to the committee were subpenaed and submitted to his examination. Not a person in the United States that he desired to have examined was omitted. The examination was conducted by himself as the report shows. It is all on record. There are his witnesses; there are his questions; there are the answers.

Now, Mr. President, these being the facts, I say that when the Senator from Massachusetts rose in his place and characterized this report as a whitewashing report, he violated all parliamentary courtesy and disregarded recorded truth.

When the committee made their report, the Senator from Massachusetts rose in his place and entered a protest against it, which protest was a mere condemnation of the Senate itself. Why, Mr. President, this committee did not elect itself; the Senate elected it; and after the election was made, one member of the committee rose in his place and asked to be excused, and the Senate by a vote of yeas and nays refused to excuse him, and ordered the investigation to proceed by the committee as elected. And here in passing, and without more fully discussing it, let me say—and I regret at this point the absence of the chairman of the committee—I understand this rule of parliamentary law to apply to the presiding officer of a body, and not to the body itself. But the Senate, in electing a committee for any end or purpose, is a law unto itself. What the Senate does, no Senator can question, unless some provision of the Constitution be violated. But when this report came in, the Senator from Massachusetts met it with a formal, insulting protest; and then on Thursday last, in the hurry of the business of the closing hours of the session, while we were all anxious to pass important bills, and while we were engaged in passing a bill to relieve the people of many millions of taxation, comes again the Senator from Massachusetts, and maintains that he and the Senator from Missouri had been assaulted by the report of the committee, and asks that the Senate suspend all its business and hear his personal defense. He said in substance—I do not pretend to quote his language—that the Senate could not deny him that act of justice. So the Senate gave way, and the Senator from Massachusetts, in a speech which covers nearly three pages of the Globe, said nothing whatever about the report, or of the sale of arms or in defense of himself, except the following, which I ask the Secretary to read:

The Chief Clerk read as follows:

"The Senator from Wisconsin is now in his seat. He is the author of the report. I think he can represent it on the floor.

"I begin, sir, by calling attention to the report on the sale of arms to France.

"This report is an extraordinary document, doubtless one of the most extraordinary in parliamentary history, but not more extraordinary than the committee. Indeed, from such a committee, constituted in open defiance of a first principle of parliamentary

law, it would be natural to expect a report defying first principles in everything. At least three of the committee were disqualified from sitting, as much as a juror who has given his opinion before trial, and one of these was the chairman. According to parliamentary law, they should have risen in the Senate and declined to serve; but they went on the committee, and the present report is their verdict.

"I present this report as unworthy of the Senate in every respect; wanting in ordinary fairness unbecoming in tone, unjust to Senators who, had deemed it their duty to move the inquiry, and ridiculous in its attempt to expound international law. Its character is already fixed beyond recall. So far as remembered, it will be known as the "whitewashing report." For the present I forbear to say more on this head, assured that the Senator from Missouri [Mr. SCHURZ] will do it ample justice."

Mr. CARPENTER. Mr. President, this is the language of a man who abhors egotism, who condemns personal pretensions, and who is not of a quarrelsome turn of mind. This is the close reasoning, the candid and respectful argument of a Senator opposed to a report signed by five Senators of this body, in the discharge of a duty imposed upon them by a resolution of the Senate. This is the language of a docile Christian, who, when smitten upon one cheek, "turns the other also;" who, when he is "reviled," reviles not again. Of this report, brought here in obedience to the command of the Senate, the Senator, after kindly announcing to the Senate that the report was written by myself, adds that it is "unworthy of the Senate in every respect, wanting in ordinary fairness, unbecoming in tone, unjust to Senators who had deemed it their duty to move the inquiry, and ridiculous in its attempt to expound international law."

Why, Mr. President, after such a towering panegyric from the Senator, I should be utterly wanting in all the reciprocal offices of courtesy if I did not pay him an occasional compliment in the course of my remarks to-day, [laughter;] and I regret that the Senator, who was in his seat at the commencement of my remarks, has withdrawn, so that I may not pay him so much attention as I should were he present to enjoy it. I shall speak presently in detail of the remarks made by the Senator from Massachusetts.

His speech was followed by a speech of the Senator from Missouri, [Mr. SCHURZ,] criticising the report of the committee; and I shall first give attention to that.

The Senator from Missouri was more than usually happy in oratory upon that occasion. He is a philosopher beyond all question, and he comes very strictly within the Scotchman's definition of a metaphysician, as "he talks about what nobody can understand, and what apparently he does not understand himself." [Laughter.] As I listened to that fearful outpouring of eastern philosophy removed far beyond the range of analysis, incomprehensible to common minds, gloomy to the apprehension, I despaired answering its points, because, if it had any points, they were merged in the Senator's gorgeous rhetoric. [Laughter.] I waited anxiously to see the speech in the Globe. It has not yet appeared. Mere rhetoric, lofty declamation, brilliant and eloquent discourse, if not founded upon truth, can never incite a revolution in this country; and the Senator from Missouri ought to consider that fact, because a revolution is the thing he seems determined to accomplish.

I did, however, infer from the remarks of the Senator from Missouri that he was not in favor of the report of the committee. [Laughter.] I think I do not misrepresent him when I say he did not approve it. I do not recollect that any single branch of it met his very decided approbation. Not having his speech before me, I am compelled to confine myself to an examination of the report, and thus to its fortification, if examination will lead to that end.

When the committee entered upon the performance of its duty, the first difficulty it met was in its attempt to obtain the testimony of the Senator from Massachusetts. He had introduced the preamble and the resolution. He was the author of and responsible for the proceeding, and the committee thought itself obliged to call him, that he might communicate his knowledge and let the committee know its sources; that he might let the committee know the facts upon which he had taken the responsibility to brand high officers of the Government and cast suspicion and dishonor upon our national character. When the Senator was requested to attend before the committee, he folded about him his senatorial toga and delivered us a written protest, which recited the fact that he, the Senator from Massachusetts, could not condescend to pay any such committee any such attention. I read the first paragraph of this protest, which is instructive when we consider that it was from a man utterly devoid of egotism:

"Personally, I object to no examination; willingly would I submit to the most searching scrutiny, not only in the present case, but in all my public life. There is not an act, letter, or conversation, at any time, which I would save from investigation."

Happy Senator from Massachusetts! Never before, since the lowly Nazarene walked beneath the bending palms of Palestine, has any being on earth been able truthfully to say there is no act, no letter, no conversation, no idle word of mine that I do not recall with satisfaction. This protest must at least be regarded as a frank "admission" by the Senator that he is a sinless man.

But, Mr. President, although the Senator in this protest declared that he must consult his senatorial duty, which forbade his appearance before the committee, he changed his mind when the committee issued to him the "subpena," clothed with the authority of law, and denouncing the penalty of imprisonment for a refusal to obey it; the statute reading as follows:

"That any person summoned as a witness by the

authority of either House of Congress, to give testimony, or to produce papers, upon any matter before either House, or before any committee of either House of Congress, who shall willfully make default, or who, appearing, shall refuse to answer any question pertinent to the matter of inquiry in consideration before the House or committee by which he shall be examined, shall, in addition to the pains and penalties now existing, be liable to indictment as and for a misdemeanor in any court of the United States having jurisdiction thereof, and, on conviction, shall pay a fine not exceeding $1,000, and suffer imprisonment in the common jail not less than one month nor more than twelve months."

When the subpena went out to the great Senator denouncing this penalty, and when the Senator saw the prison-door opening to receive him, he reconsidered his senatorial duty, he lowered his banner, and submitted himself to the law of the land. I commend the Senator for that act of dignified obedience; the world owes him a debt of gratitude. Free institutions were rescued from a perilous doubt, for at the time it was questionable whether that supreme authority to which all must bow, was personified in the law of the land, or in the Senator from Massachusetts. The Senator kindly resolved the question in favor of the law, and submitted himself to its authority. It would have been more gratifying, perhaps, had he done this without protest; yet we owe him a deep debt of gratitude that he did it even with a protest. The laws should be thankful for small favors when dealing with the Senator from Massachusetts. He protested against obeying the law; he declared that he was not bound to obey the law; yet as matter of grace and favor to the law, and disliking much to enter the portals of the District jail, he waived his "privilege," yielded to the subpena, and submitting to the law, came forward and took his place upon the stand.

The committee thought the crisis of its destiny had passed when the Senator from Massachusetts thus submitted, and it was then supposed that the Senator would reveal all that he knew about this subject; but therein the expectation of the committee was not realized. The Senator from Massachusetts refused to reveal to the committee the sources of his information, saying that his informants were "eminent men" who had communicated with him in confidence; but he declined to give their names. Who they were, or what was the foundation of their knowledge, whether it was mere suspicion and rumor or actual knowledge, the committee could not ascertain, because, to that extent, the Senator from Massachusetts would not submit to the law. He informed the committee that he had handed over the letters from these eminent men to the Senator from Missouri, with authority to use them in such a manner as he saw fit, but not to disclose the writers' names. The Senator from Missouri, therefore, who acted as prosecutor before the committee, had all the information which the Senator from Massachusetts had, but which the committee did not have, and could not obtain from these Senators. So far as the Senator from Missouri desired, in view of the information which he and the Senator from Massachusetts possessed, to subpena witnesses, they were subpenaed, and their examination was taken. Whether there was anything in those communications which suggested a counter proof, the committee could not ascertain. They were informed of nothing in regard to these letters, but only had the benefit of the examination of such witnesses as the Senator from Missouri, after considering the letters, deemed it prudent to call before the committee.

So much, Mr. President, for the history of the committee and its proceedings. Now for a few moments let me refer to the report itself. The first question upon the report discussed by the Senator from Missouri was the question of the power to sell these arms under the acts of Congress. Two statutes have been referred to, the first of which is the statute of March 23, 1825, which reads as follows:

"That the President of the United States be, and he is hereby, authorized to cause to be sold any ordnance, arms, ammunition, or other stores, or subsistence or medical supplies, which, upon proper inspection or survey, shall appear to be damaged or otherwise unsuitable for the public service, whenever, in his opinion, the sale of such unserviceable stores will be advantageous to the public service.

"SEC. 2."

And the second section must be deemed as giving character and construction to the first—

"That the inspection or survey of the unserviceable stores shall be made by an inspector general, or such other officer or officers as the Secretary of War may appoint for that purpose; and the sales shall be made under such rules and regulations as may be prescribed by the Secretary of War."

This act has been in force since 1825. Various regulations have been made in the War Department for its execution which are important in connection with this subject, and I will ask the Secretary to read from the ordnance regulations of 1834, pages 21 and 22, the passages which I have marked.

The Chief Clerk read as follows:

"84. Whenever ordnance or ordnance stores are reported unserviceable, they will be examined by an inspector general, or some other officer specially appointed by the Secretary of War for that purpose, who will note on the inventory such as he condemns as wholly unserviceable, such as he considers repairable, and such as he deems serviceable. He will recommend the stores condemned by him either to be broken up at the arsenal, depot, or military posts, or to be sold, as may be deemed most advantageous to the public service. But should it appear to the inspector that the ordnance or ordnance stores condemned are of too little value to cover the expense of sale or breaking up, he will recommend them to be dropped from the return as useless. Such arms and stores as the inspector may consider repairable he will direct either to be repaired at the arsenal, depot, or military post; or to be transported to the nearest or most convenient arsenal or depot of construction and repair. The inventory, (See form No. 9,) with the remarks and opinion of the inspector, shall be made in duplicate; one copy to be left with the officer having charge of the ordnance and ordnance stores, and the other to be forwarded to the chief of the ordnance department for the further action of the President of the United States.

"85. All articles condemned and ordered for sale

by the President of the United States shall be disposed of at public auction, under the superintendence of such officers as may be designated for that purpose by the chief of the ordnance department, due previous public notice in the newspapers being given of the sale. An authorized auctioneer will be employed, and the sale conducted in conformity with the established usages of the place where made.

"86. An officer directing sales of unserviceable ordnance stores will cause the articles to be offered in such lots as he may think will command the best prices; and he is authorized to bid in or suspend the sale of any article when, in his opinion, they will command better prices at private sale. No article will be sold at private sale until after it shall have been offered at auction, nor then at a price less than that offered at public sale.

"87. All sales shall be for cash. The auctioneer will make certified bills of sale of the property and deliver them to the superintending officer, to whom the money shall be paid on delivery of the property. All expenses of sale will be paid from its proceeds. The net proceeds will be deposited in the bank in which the funds of the arsenal, depot, or post, are directed to be deposited, immediately thereafter by the commanding officer, to the credit of the Treasurer of the United States.

"88. Certificates of the deposits of the money, the auctioneer's certified account of sales in detail, and the vouchers for the expense of the sale, shall be forwarded to the chief of the ordnance department, unconnected with quarterly accounts, whence, after examination and record, they will be transmitted to the proper auditor for settlement."

Mr. CARPENTER. I ask the Secretary to read also from the Army Regulations of 1841, page 168.

The Chief Clerk read as follows:

"918. Should an officer or other agent of the ordnance department charged with ordnance and ordnance stores fail to render the prescribed returns thereof within a reasonable time after the termination of a quarter, a settlement shall be made of his accounts at the Treasury, and the money-value of the supplies with which he stands charged shall be reported against him for collection. The delinquency will also furnish matter of military accusation, at the discretion of the proper authorities."

Mr. CARPENTER. I will ask the Secretary to read also from the Army Regulations of 1857, page 119.

The Chief Clerk read as follows:

"927. When military stores or other Army supplies are reported to the War Department as unsuitable to the service, a proper inspection or survey of them shall be made by an inspector general or such suitable officer or officers as the Secretary of War may appoint for that purpose. Separate inventories of the stores, according to the disposition to be made of them, shall accompany the inspection report; as of articles to be repaired, to be broken up, to be sold, of no use or value, and to be dropped, &c. The inspection report and inventories shall show the exact condition of the different articles.

"928. Military stores and other Army supplies found unsuitable to the public service, after inspection by an inspector general, or such special inspection as may have been directed in the case, and ordered for sale, shall be sold for cash at auction, on due public notice, and in such market as the public interest may require. The officer making the sale will bid in and suspend the sale when, in his opinion, better prices may be got. Expenses of the sale will be paid from its proceeds. The auctioneer's certified account of the sales in detail, and the vouchers for the expenses of the sale, will be reported to the chief of the department to which the property belonged. The net proceeds will be applied as the Secretary of War may direct."

Mr. CARPENTER. I also ask the Secretary to read from the Army Regulations of 1863, pages 152, 153, and 154, the marked passages.

The Chief Clerk read as follows:

"1023. An officer commanding a department, or an army in the field, may give orders, on the report of the authorized inspectors, to sell, destroy, or make such other disposition of any condemned property as the case may require, ordnance and ordnance stores alone excepted, for which the orders of the War Department must always be taken. But if the property be of very considerable value, and there should be reason to suppose that it could be advantageously applied or disposed of elsewhere than within his command, he will refer the matter to the chief of the staff department to which it belongs for the orders of the War Department. No other persons than those above designated, or the General-in-Chief, will order the final disposition of condemned property, saving only in the case of horses which should be killed at once to prevent contagion, and of provisions or other stores which are rapidly deteriorating, when the immediate commander may have to act perforce. Inventories of condemned property will be made in triplicate, one to be retained by the person accountable, one to accompany his accounts, and one to be forwarded through the department or other superior headquarters to the chief of the staff department to which the property belongs. Separate inventories must be made of the articles to be repaired, of those to be broken up, those to be sold, to be dropped," &c.

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"1032. Military stores and other Army supplies regularly condemned, and ordered for sale, shall be sold for cash at auction, on due public notice, and in such market as the public interest may require. The officer making the sale will bid in and suspend the sale when, in his opinion, better prices may be got. Expenses of the sale will be paid from its proceeds. The auctioneer's certified account of the sales in detail, and the vouchers for the expenses of the sale, will be reported to the chief of the department to which the property belonged. The net proceeds will be applied as the Secretary of War may direct."

Mr. CARPENTER. Mr. President, these are the regulations prescribed by the War Department for the execution of the act of 1825. I have requested them to be read and to be put upon the record, to show the understanding of the ordnance department and of the Secretary of War, and of all the officers charged with executing that act, that it related to unserviceable, in the sense of useless, arms. It was that class of arms and munitions which were next to worthless. The regulations in one place direct the officer, if they are not worth transportation to some arsenal, (for old iron, of course,) to destroy them and drop them from the record.

Mr. SCHURZ. Will the Senator allow me to call his attention to a fact?

The PRESIDING OFFICER, (Mr. POMEROY in the chair.) Does the Senator from Wisconsin yield to the Senator from Missouri?

Mr. CARPENTER. I will yield to the Senator from Missouri in regard to any question of law, and this is a question of law.

Mr. SCHURZ. I merely want to call the attention of the Senator to the fact that as the regulation was read, the permission to destroy referred to property, not arms and ordnance stores, as I understood it.

Mr. CARPENTER. Very well. They were

regulations adopted under this act of Congress. I am not now discussing, because that is foreign to the question before us, all the details of those orders and regulations. I introduce them, as I said before, to show the understanding of the department in regard to the construction of the act of 1825; that it related only to useless stores or property, whichever the case may be. Now, these regulations were all in force. The last one which has been read was prescribed in 1863. In 14 Statutes-at-Large, page 338, is "an act to increase and fix the military peace establishment of the United States," approved July 28, 1866, the thirty-seventh section of which recognizes the then existing regulations, and continues them with the force of law.

Now we come to a different state of things and to a different subject. Prior to the close of the rebellion, the Government had no large supplies of arms or munitions of war to be disposed of, and the act of 1825, and the regulations under it, contemplated a disposition of property useless for military purposes. But at the close of the rebellion the Government found itself in possession of large quantities of arms and munitions of war; arms which of course, in process of time, would become nearly or quite useless. Subjected to rust and decay, and to all the decrease in value which must always attend that kind of property, it was deemed advisable to sell, and Congress, by the act of 1868, provided—

"That the Secretary of War be, and he is hereby, authorized"—

And not only authorized, for that was done by the act of 1825—

"and directed"—

Thus making the act mandatory upon the Secretary of War—

"to cause to be sold, after offer at public sale on thirty days' notice, in such manner and at such times and places as he may deem most advantageous to the public interest, the old cannon, arms, and other ordnance stores now in possession of the War Department, which are damaged or *otherwise* unsuitable for the United States military service," &c.

Thus you see, Mr. President, the scope of this act was much broader than the act of 1825. It was not the useless arms and stores that were to be disposed of, as under the former act, but all which were *unsuitable*. And who was made the judge of what was unsuitable? The principle of law is as well established as it is that *assumpsit*, at common law, lies on a promissory note, that where an authority is conferred upon any officer to do a certain thing in a certain event or contingency, he is the exclusive judge of the happening of that event or contingency. According to this familiar principle, which no lawyer will question, when this act of 1868 was passed it was mandatory upon the Secretary of War; it did not leave him the option of acting or not, but made it his duty to act. He was bound to dispose of all the arms which, in his judgment, were *unsuitable* to be kept. That was a very different thing from requiring him to dispose of all *useless* arms. Here was a large supply on hand, beyond any present or anticipated want of the nation; arms which were being continually superseded by new inventions, and by improvements in the manufacture of arms; and to keep a supply on hand not needed then, and probably not to be needed in fifty years, until they should become utterly worthless, would be to keep, in the very language of that act, a supply of unsuitable arms; and the Secretary of War was charged with the execution of this act in his discretion and judgment, and no lawyer can put upon it any other construction.

Now, Mr. President, the great point to be considered here, and to which I call the attention of the Senate, is that these acts are not, in a lawyer's phrase, *in pari materia;* they do not relate to the same subject. When two acts are *in pari materia* the last act, so far as it is inconsistent with the former, repeals the former act; and of two acts which are inconsistent in their provisions, if one does not repeal the other, it is because they do not relate to the same subject. The honorable Senator from Missouri, on this branch of the subject, referred the Senate to the opinion of Judge Advocate General Holt, at page 725 of this report. Before referring to that, let me read what the committee say about these two acts:

"The different circumstances under which these acts were passed, the difference in the subjects to which they relate, taken in connection with the fact that they were to be executed by different officers and in different ways, render it clear, in the opinion of your committee, that they are not *in pari materia*, and should not be construed together so as to incorporate into one the provisions of the other. By the first act the President, in his discretion, was authorized to sell arms and stores which, 'upon proper inspection or survey,' should appear to be 'damaged or otherwise unsuitable for the public service.' What was meant by the phrase 'damaged or otherwise unsuitable for the public service' is fixed by the second section, which provides 'that the inspection or survey of the *unserviceable stores* shall be made by an inspecter general, &c.' From this it is clear that only unserviceable arms were to be sold, and the inspection was a condemnation. Indeed, the Government had no others to sell."

The Senator from Missouri the other evening read this paragraph down to a certain point, and then laid the book down, and continuing in the same tone of voice, so that I inferred he was reading from the report, added the sentence: "then of course the last act repealed the former."

Mr. SCHURZ. No; the Senator is mistaken. I did not say anything of the kind. The Senator misunderstood me.

Mr. CARPENTER. I do not think I can be mistaken. I was cool and listening, and the Senator was under the excitement of speaking. Therefore, I think I am higher authority on that point.

Mr. SCHURZ. I may have said this: "then the committee virtually asserts that the last act repeals the former."

Mr. CARPENTER. Very well. That he did not say, because I was surprised at the time, understanding from the tone of his voice that he was reading from the report, "the last act repealed the former;" and I sent for a copy of the report to see if such a blunder had been committed, and was relieved to find that it had not been. At all events no such thing is in the report, and whether assertion or deduction makes no difference. The Senator understood, as he now states, that the ground taken by the committee was that the last act had repealed the first, and for the purpose of showing that to be a mistake, he referred us to the opinion of Judge Advocate General Holt at page 725, holding that the act of 1825 was in force at the date of his opinion, which was subsequent to the date of the act of 1868. If the Senator from Missouri had been a lawyer, or if he had consulted a lawyer who had ever earned $1.000 by the practice of his profession, he would have been informed that this opinion of Holt is complete and full authority for the doctrine of the report. Why is it that the act of 1825 is not repealed by the act of 1868? They are inconsistent in their provisions. The act of 1825 confers upon the President a discretionary power to sell, to be exercised upon a survey and inspection, or in other words, a condemnation of the arms, upon such terms as he may deem reasonable. The act of 1868 confers power upon another officer, the Secretary of War, and not only authorizes him to sell useless arms, but commands him, not upon inspection and survey, but upon thirty days' advertising, to sell the unsuitable arms of the Government. Why did Holt say the act of 1825 was in force at the date of his opinion, and that an inspection was necessary under that act? Every lawyer will tell the Senator that it is because the acts are not *in pari materia*. The act of 1825 related to useless stores and property; the act of 1868 related to a different class of property, which, though not useless within the sense of the act of 1825, was nevertheless unsuitable, in the sense of undesirable. Therefore the opinion of Holt confirms the doctrine of the report.

Mr. SCHURZ. Will the Senator permit me to interrupt him on this point of law?

Mr. CARPENTER. Certainly.

Mr. SCHURZ. I assert that the matter treated of by Judge Holt is exactly the matter that is treated by the statute of 1868, and I will prove it by the record. Here is the correspondence that took place:

WASHINGTON, *October* 5, 1869.

Republic of Liberia, J. J. Roberts, minister——

Mr. CARPENTER. I decline to yield for the reading of books and documents. I will hear the Senator's point, but not an argument.

Mr. SCHURZ. I merely wanted to make the point by reading the evidence. But if the Senator prefers not to hear it now I will make the point afterward.

Mr. CARPENTER. Lawyers understand exactly the office of an interruption, and never object to it when made in a lawyer-like way. An interruption of a lawyer at the bar is a common occurrence, but it is always confined to asking a question, or making a suggestion merely for the purpose of calling an opponent's mind to a certain point, not for the purpose of injecting a reply into his argument. No court would permit that, and lawyers never attempt it. I know the Senator from Missouri does not design to do that, and I only object because it would break in on the line of my remarks, and he of course will have an opportunity to reply.

Mr. SCHURZ. I merely wanted to call the Senator's mind to certain facts.

Mr. CARPENTER. My mind is directed to them. It is not a great mind, and it will not produce a great result when directed to that point, but whatever strength there is in it is at this moment engaged upon the precise point in issue between the Senator and myself, which is, why did not the act of 1868 repeal the act of 1825? And I assert that when Holt says, subsequent to the act of 1868, the act of 1825 is still in force, although he did not state the full process by which his mind had reached that conclusion, yet he did, in legal effect, declare that these acts are not *in pari materia*; and this is the doctrine maintained by the report.

Mr. President, after this act of 1868 was passed, it became the duty of the Secretary of War to put a construction upon it. Every officer of the Government called upon to perform any duty under an act of Congress must first of all inquire, what duty is to be performed? In other words, he must construe the act itself. That is an indispensable prerequisite to the execution of a law. If its language is so plain that it does not require any construction, then of course its intent is very easily ascertained. If there is any ambiguity, the intent of the law must be arrived at by construction. How often has the Supreme Court of the United States said, in deciding cases involving land titles, that the construction given to an act of Congress relating to the public lands by the Commissioner of the General Land Office, a mere bureau officer charged with the execution of the law, was entitled to be respected by the Supreme Court of the United States—not conclusive upon them, but entitled to their respectful consideration.

General Schofield was the first Secretary of War who was called upon to act under the law of 1868, and he gave to it this construction, that the advertisement of the property might be made in this way: take, for instance, of cannon, of muskets, of cartridges, or any other of the classes of stores which the Government

had to dispose of, and from time to time advertise lots of each class, and then within a reasonable time after the advertisement, if they were not purchased at the public sale advertised, the Department might sell at private sale. That was the course adopted by Mr. Secretary Schofield, and it had become a settled rule of proceeding in the Department before the sales in question were made.

The committee say that in their opinion that was not a strictly proper construction of the act. I have no doubt, as a lawyer, that a strict compliance with the letter of that act required that no arms or stores or property of any kind should be sold which had not first been advertised; and yet there is no doubt that a compliance with the letter of the act would have defeated its spirit and object. Why was the Secretary of War required to advertise this property for sale? Manifestly to protect the interests of the Government and to prevent a sacrifice at private sale. After this act passed in 1868, the Secretary of War might have advertised every article in the possession of the Government, from the Swamp Angel at Charleston down to the smallest pocket pistol in the armory, for sale at a certain time; and if there had been no bidders, as probably there would not have been, then from that time on for forty years he might have continued in the daily sale of these arms and stores at private sale; and yet it is apparent that such literal compliance with the law would have defeated its spirit and object, because the advertisement in 1868 would have been no notice to the public in 1870. 1871, 1872, and 1873, and so on.

So that the course which was adopted by the War Department, while it did not follow the letter of the act, did effect the very purpose of the act. It gave notice from time to time to the public of the classes of stores and arms which the Government had for sale, and the sales which were made gave information to the Secretary of War what those arms and stores would bring; so that the very object of the act of Congress was answered by the construction put upon it by the Secretary of War, better than by what, in my judgment, is the strict construction of the act.

The committee made use of the phrase that this construction of the War Department was rather a soldier's than a lawyer's construction; and the Senator from Missouri soared at that remark like a sky-rocket. He held me up to the indignation of forty millions of people, (for he never speaks merely to the Senate,) and taunted me with being an advocate of a soldier's construction of the law. He notified the people that our doom was near at hand when a committee of this body could make a deliberate report that a soldier's construction of an act, right or wrong, was better than a lawyer's construction of the act, right or wrong. We were then in a political atmosphere which indicated certain doom to our liberties and our national existence; an atmosphere apparently very offensive to the nostrils of the Senator from Missouri who has so recently returned from the pure ether of Cincinnati, where not an office-seeker went and not one who went will hold an office for forty years to come. [Laughter.]

I was not only ridiculed as recreant to the duty of a Senator, but I was held up to the indignation of my brethren of the bar. The Senator said in substance, he thought this was the first time a lawyer had ever degraded the profession by exalting the construction of a soldier over the construction of the lawyer.

Mr. SCHURZ. I did not say that.

Mr. CARPENTER. You did not say those words, but in the language of the Senator from Massachusetts, you said that "thing." My preference for the construction put upon this act by the War Department does not rest upon the fact that it was the construction of a soldier; it rests upon the fact that it was a construction which protected the rights of the Government—a construction by which the will of Congress was executed better than it would have been under the lawyer's construction.

Why, Mr. President, we pass laws here every day imposing duties upon soldiers, duties upon the Commander-in-Chief of our Army and upon the ordnance department, upon the War Department, filled, exercised, and occupied by officers of the Army. They must construe those laws. It is not supposed by Congress, nor is it the fact, that those men are all technical and accurate lawyers; but it is supposed that they are honest men, and that they will carry out and execute the spirit of the act and protect the interests of the Government.

I am sorry that the Senator's speech is not printed. I went home that night after listening to it and my sleep was troubled by the ringing of that knell over our liberties because a soldier's construction of that act had been approved. We were told that we were in the last days of our existence, our doom was upon us, and that when it was allowed to a soldier to depart from the law, and when his departure from it by an honest mistake of its construction was not censured by a committee, our last hours were drawing nigh.

Mr. President, no free Government was ever overthrown by an honest blunder. Read the history of the world. Free institutions and republican governments have not gone under by honest mistakes and blunders. They have been overthrown by artful intriguing rascals, who have gained the public ear and the popular favor by pretension to greater purity than that of their fellows; artful intriguers who have undermined the foundations of free institutions by pretending to defend and maintain them. Why, sir, the liberties of Rome were not stricken down by the military usurpations of Cæsar; they were finally overcome by the artful intrigues of Augustus

Cæsar, who pretended to be the champion of the Roman constitution, and who, observing the forms of a republican government, established, in fact, an imperial despotism.

The Senator from Missouri is exceedingly hard on the soldier. He is exceedingly hard on anybody that has served his country during the war, as it seems to me. But, Mr. President, I apprehend no danger such as seems to be feared by him. My fear of the perpetuity of our institutions does not arise from blunders committed by a bluff, honest soldier. If we ever go under, we are to go under by the instrumentality and manipulation of a set of designing, artful men who stand out as the models and champions of Republicanism, purer than their associates, self-appointed leaders to liberty and national grandeur.

The next point, Mr. President, considered in the report is whether the sale of these arms was made under such circumstances as to amount to a violation of our neutral duties pending the war between France and Germany. The close, compact, protracted, patient, and overwhelming argument of the Senator from Massachusetts on that point I have already referred to. As that Senator is understood to be a champion of the law of nations, as he was once, I understand, a teacher of that law, and as he has assumed in this Senate for ten years to silence every man's private opinion on the subject by his *ipse dixit*, let me read again his great argument upon the point of international law maintained by the committee:

"I present this report as unworthy of the Senate in every respect, wanting in ordinary fairness, unbecoming in tone, unjust to Senators who had deemed it their duty to move the inquiry, *and ridiculous in its attempt to expound international law.*"

"Ridiculous" is all that the Senator from Massachusetts condescends to say in reply to the report of the committee. It is fortunate that an adjective does not amount to an argument. If it did, I should never stand up to oppose the Senator from Massachusetts nor the Senator from Missouri, no matter what they tried to establish, for such a command of adjectives I never knew to belong to any two men before.

What is the doctrine of this report upon this subject which is pronounced "ridiculous," and which is worthy of no other answer? The report says:

"4. Were the sales made under such circumstances as to violate the obligations of the United States as a neutral Power pending the war between France and Germany?

"This subject involves two questions, one in regard to the law applicable to the transactions, or the question of what the Government might do under such circumstances, and the other a question of fact—what was done, &c.

"Congress having, by the act of 1868, directed the Secretary of War to dispose of these arms and stores, and the Government being engaged in such sales prior to the war between France and Germany, had a right to continue the same during the war, and might, in the city of Washington, have sold and delivered any amount of such stores to Frederick William or Louis Napoleon in person, without violating the obligations of neutrality, provided such sales were made in good faith, not for the purpose of influencing the strife, but in execution of the lawful purpose of the Government to sell its surplus arms and stores."

That is the doctrine of the committee, disposed of by the Senator from Massachusetts with one word, "ridiculous;" disposed of by the Senator from Missouri almost as summarily, although, not to be an imitator, he used the word "atrocious," I think, or "abominable;" I am not certain which. The precise point between us is, whether a nation at peace and in the pursuit of a perfectly lawful business, as, for instance, the manufacture of arms, or war-ships, or cartridges, or anything else, is compelled to suspend its business because two nations somewhere on the globe engage in a war. That is the single question. The Senator answers this question in the affirmative; the report in the negative. Now, at the expense of being a little tedious, I shall present the authorities which I have found since this report was made on this subject, and I will ask the Secretary first to read the extracts from the report which are marked and which are taken from the work of Vattel on international law. The Senator from Massachusetts and the Senator from Missouri, while they fell with overwhelming array of adjectives upon the doctrine enunciated by the committee, took good care not to say one disrespectful word of Vattel, whose book sustains every point made by the committee.

The Chief Clerk read as follows:

"'First, no act on the part of a nation which falls within the exercise of her rights and is done solely with a view to her own good, without partiality, without a design of favoring one Power to the prejudice of another—no act of that kind, I say, can in general be considered as contrary to neutrality; nor does it become such, except on particular occasions, when it cannot take place without injury to one of the parties, who has then a particular right to oppose it. Thus the besieger has a right to prohibit access to the place of the besieged, (see section one hundred and seventeen in the sequel.) Except in cases of this nature shall the quarrels of others deprive me of the free exercise of my rights in the pursuit of measures which I judge advantageous to my people? Therefore, when it is the custom of a nation, for the purpose of employing and training her subjects, to permit levies of troops in favor of a particular Power'"——

Mr. CARPENTER. I call attention to that phraseology, "when it is the custom of a nation," not the subjects of a nation, but a nation.

The Chief Clerk continued the reading as follows:

"'Therefore, when it is the custom of a nation, for the purpose of employing and training her subjects, to permit levies of troops in favor of a particular Power to whom she thinks proper to intrust them, the enemy of that Power cannot look upon such permissions as acts of hostility unless they are given with a view to the invasion of his territories or the support of an odious and evidently unjust cause. He cannot even demand, as matter of right, that the like favor be granted to him, because that nation may have reasons for refusing him which

do not hold good with regard to his adversary; and it belongs to that nation alone to judge of what best suits her circumstances. The Switzers, as we have already observed, grant levies of troops to whom they please; and no Power has hitherto thought fit to quarrel with them on that head. It must, however, be owned'" * * * * "'that if those levies were considerable and constituted the principal strength of my enemy, while, without any substantial reason being alleged, I were absolutely refused all levies whatever, I should have just cause to consider that nation as leagued with my enemy; and in this case the care of my own safety would authorize me to treat her as such.

"'The case is the same with respect to money which a nation may have been accustomed to lend out at interest. If the sovereign, or his subjects, lend money to my enemy on that footing, and refuse it to me because they have not the same confidence in me, this is no breach of neutrality. They lodge their property where they think it safest. If such preference be not founded on good reasons'—

"Here he comes back to the precise point—

"'I may impute it to ill will against me, or to a predilection for my enemy. Yet if I should make it a pretense for declaring war, both the true principles of the law of nations and the general custom happily established in Europe would join in condemning me. While it appears that this nation lends out her money purely for the sake of gaining an interest upon it, she is at liberty to dispose of it according to her own discretion, and I have no right to complain. But if the loan were evidently granted for the purpose of enabling an enemy to attack me, this would be concurring in the war against me.

"'If the troops above alluded to were furnished to my enemy by the State herself, and at her own expense, or the money in like manner lent by the State, without interest, it would no longer be a doubtful question whether such assistance were incompatible with neutrality.

"'Further, it may be affirmed on the same principles that if a nation trades in arms, timber tor shipbuilding, vessels, and warlike stores, I cannot take it amiss that she sells such things to my enemy, provided she does not refuse to sell them to me also at a reasonable price. She carries on her trade without any design to injure me; and by continuing in the same manner as if I were not engaged in war, she gives me no just cause of complaint.

"'In what I have said above, it is supposed that my enemy goes himself to a neutral country to make his purchases.'"

Mr. CARPENTER. I want to call the attention of the Senate to that precise point. There is a broad distinction in all the authorities between trade in a neutral State by the belligerent and the contraband-of-war trade which is carried on from neutral territory to the ports of the belligerent, and the precise distinction is stated clearly by the author there.

The Chief Clerk continued reading as follows:

"'In what I have said above, it is supposed that my enemy goes himself to a neutral country to make his purchases. Let us now discuss another case—that of neutral nations resorting to my enemy's country for commercial purposes. It is certain, as they have no part in my quarrel, they are under no obligation to renounce their commerce for the sake of avoiding to supply my enemy with the means of carrying on the war against me. Should they affect to refuse selling me a single article, while at the same time they take pains to convey an abundant supply to my enemy, with an evident intention to favor him, such partial conduct would exclude them from the neutrality they enjoyed. But if they only continue their customary trade, they do not thereby declare themselves against any interest; they only exercise a right which they are under no obligation of sacrificing to me.'"

Mr. CARPENTER. At the suggestion of my honorable colleague I wish here to call the attention of the Senate to the distinction between the law of nations on the subject of neutrality and the municipal law of a particular nation passed in the interest of its own policy of neutrality. Our laws, passed upon this subject and the subsequent act passed by Great Britain in imitation of them, were municipal laws, and made necessary because the law of nations did not cover the same ground; yet in all our discussions in regard to the neutral obligations of our nation there is a complete confusion as to our duty under the law of nations and the duty of our citizens under our own municipal statutes. That distinction should always be borne in mind. Neither Prussia nor France nor any foreign nation can complain of us that our municipal law has not been enforced, provided the law of nations has been respected. Prussia, for instance, has no interest in our statute, no right to insist upon it. If we performed toward her all the obligations that the law of nations imposed upon a neutral, it is none of her business or concern that our municipal statute is trampled under foot by our own people every day of the year.

I have caused these extracts from Vattel to be read which lay down the doctrine adopted by the report. Indeed, after putting that paragraph into the report, I should have been subject to the charge of plagiarism if I had not quoted from the authority that sustained it. The paragraphs which are assailed here as "ridiculous" and "atrocious" are merely a condensation of the doctrine of Vattel on this subject.

This subject is not entirely new in this country. I refer now to the first volume of American State Papers, the volume on foreign relations, page 649, in the letter of Timothy Pickering, then Secretary of State, to the minister of France, who had made complaint of this country that the British were permitted to buy horses here for military service. A general discussion of the subject took place between the French minister and the Secretary of State. The letter which I refer to is dated May 15, 1796, page 649, first volume State Papers, in regard to foreign relations. In reply to the French minister's communication the Secretary of State says:

"Referring to Vattel, book three, chapter seven, (the object of which entire chapter is to delineate the rights and duties of neutrality) your first remark is, that the one hundred and thirteenth section, which you quoted, has no relation to the one hundred and tenth cited by me. But permit me to observe, that it would be a novel mode of interpreting an author to take up a single paragraph and detach it from all his other remarks and reasonings in the same chapter, and on the same subject. Doubtless (as the same author says elsewhere) 'we ought to consider the whole discourse together, in order perfectly to conceive the sense of it.' (Book two, chapter seventeen, section two hundred and eighty-five.) In both the sections cited (one hundred and ten and one hundred and thirteen.)"—

These are the sections which I have caused to be read, and this is the construction which our Secretary of State put upon them—

"In both the sections cited (one hundred and ten and one hundred and thirteen) the right of neutrals to trade in articles contraband of war is clearly established"—

Mark here, for this is the precise distinction between what a nation may do, as Vattel expresses it, on its own territory, and what its subjects may do beyond its boundaries—

"In both the sections cited (one hundred and ten and one hundred and thirteen) the right of neutrals to trade in articles contraband of war is clearly established; in the first, by selling to the warring Powers"—

Not to somebody to export directly to the warring Power—

"who come to the neutral country to buy them; in the second, by the neutral subjects or citizens carrying them to the countries of the Powers at war, and there selling them."

Mr. SCHURZ. Who writes that?

Mr. CARPENTER. That was by a Secretary of State of the United States in 1796, Timothy Pickering. Not only does Vattel in language too plain to be misunderstood lay down this distinction, but here we find the same doctrine insisted upon, enforced, and maintained by our own State Department in 1796. He then refers to the work of Galliani on this subject and says, commenting upon book one and quoting from it:

"Much greater is the number of those who believed that every belligerent Power possesses essentially the right of forbidding neutral Powers to sell arms and warlike stores to its enemy; and that this is a full right, that is, a right of strict justice. They do not distinguish the circumstance, when the neutral Powers carry on trade with one of the belligerents, and supply it with arms and warlike stores, and when, with perfect impartiality, they trade with both. In the first case, the preference of one party is apparent, and thenceforward the slighted and neglected party begins to possess a right in regard of the neutral State, for friendship with it is at an end; but as in the other case friendship does not appear to have ceased, there is not yet to be discovered any reason to act inimically on this account toward a friend.

"And, in truth, this reflection has led many writers to conclude that neutral Powers cannot be forbidden to exercise a free trade, even in contraband, as long as they exercise it in an impartial manner with both belligerent parties, or are willing to do so. I, too, can not say that they decide very unjustly."

Again, the Secretary of State, after citing these authorities, sums up as follows:

"Then follow what the author states as the true positions of this matter, some of which you have cited:

"1. When a belligerent nation desires a friendly neutral nation to carry no contraband to its enemy, it must formally disclose its wish, silence importing a satisfaction in the natural state of things."

I regret exceedingly that my strength will not permit me to pursue this letter further, but it draws precisely the distinction, and bases it upon these authorities, which is maintained by this report, the distinction between our own nation inside its own territory and the rights of our citizens who go beyond our jurisdiction with privilege to trade, subject to all the exigencies of war, with one of the belligerent Powers.

All that the law of nations requires of any nation in the particular of neutrality, as the authors all sum it up, is impartiality; what you do to one you shall do to another. Some books have said that within the meaning of this rule you cannot send an equal amount of troops to one nation and to the other, because that is a particular in which it is impossible to be impartial between the two. That is made the exception to the rule; but where the nation throws open its shops, its markets, to both belligerents for the purpose of trade, whether it be ships of war, or cannon, or cartridges, or other munitions for military service, neither has a right to complain. It is only, according to these authorities, when the neutral Power furnishes one belligerent and refuses to furnish the other that there is any cause of complaint; and here this author lays it down that if either of the belligerent Powers wishes to restrain the neutral Power from that, it is the duty of that nation first to give notice to the neutral and request him not to make such sales.

Apply this doctrine to the case in hand as we all know it, what was the position of Germany here? These sales were being made openly by the Government, under advertisement, as everybody knew. The German minister here, understanding that these sales were going on, as it is said, informed his Government of that fact, asked for instructions on the matter, was informed by the German chancellor that there was no violation of law in it, further informed that the German nation did not wish to buy any arms here; no objection was made, no protest, not the slightest opposition offered to the sale of these arms on the part of the Government, although it was alleged that sales were to agents of France. The case as made by the German minister to his own Government assumes one of the points in dispute here, but he put the case upon the ground that the sales were being made to agents of France, as I shall have occasion to show hereafter.

During the war between France and Prussia the workshops of England were open to both belligerents. During the rebellion in this country both North and South obtained arms in England, manufactured in the armories of England. Both parties being recognized as belligerents were allowed to trade in cannon, in muskets, in ammunition, in all the supplies of war; and nobody, that I know of, has complained that, conceding the belligerency of both parties, there was any violation of neutrality in those sales.

Mr. SCHURZ. Will the Senator permit me to put a question to him?

Mr. CARPENTER. Certainly.

Mr. SCHURZ. Does he state that during

the pendency of the war between France and Germany the English Government manufactured for and sold arms to either of the belligerents?

Mr. CARPENTER. I have not stated that.

Mr. SCHURZ. I understood the Senator to say that the English armory was manufacturing arms for sale at that time?

Mr. CARPENTER. I said no such thing.

Mr. SCHURZ. Then I misunderstood the Senator.

Mr. CARPENTER. Mr. President, as a part of this discussion, and an important proposition to be considered in connection with this subject and in connection with the distinction which I am making between what a neutral Government may do inside of its own territory and what its subjects may do abroad, let me remark that the whole subject of contraband of war relates to maritime law. There is no such thing as contraband of war inside of neutral territory; there cannot be. Munitions of war only become contraband of war when they become the subject of foreign commerce. In the sixth Massachusetts Reports, in a well-considered opinion of Chief Justice Parsons, than whom no sounder or clearer or more accurate lawyer ever sat on an American bench or the bench of any other country, we find the definition of contraband of war. I quote from page 114 of the sixth volume of Massachusetts Reports:

"Goods contraband of war are of two descriptions; munitions of war, the property of a neutral, bound from a neutral port to the territory of either of the belligerents, after the existence of the war is known; and every species of neutral goods bound from a neutral port to a port belonging to either of the Powers at war, and known to be blockaded by the other Power. The principle, therefore, on which a belligerent will capture and condemn as prize the goods of a neutral bound to a port known by him to be blockaded arises from the consideration that all such goods are contraband of war."

And therefore these arms, these muskets, these cartridges, all the munitions which have been referred to, while they were upon our own territory were not contraband of war, and the whole doctrine, authorities, and decisions relating to that subject did not apply to them until they passed beyond the exclusive jurisdiction of the United States and became the subject of foreign commerce. To show that the fact, if it were conceded, that these sales were made to known and authorized agents of France would not have violated our neutral obligations, I read from a letter of Mr. Jefferson found in the third volume of Jefferson's Works, page 558:

"The purchase of arms and military accouterments by an agent of the French Government, in this country, with an intent to export them to France, is the subject of another of the memorials. Of this fact we are equally uninformed as of the former. Our citizens have been always free to make, vend, and export arms."

He is speaking here of a sale by the citizens and not by the Government, because that was the case before him. The difference between the writers on this subject and the Senator from Missouri is that they talk to the case and never deliver general essays on other subjects not connected with the matter in hand.

"It is the constant occupation and livelihood of some of them. To suppress their callings, the only means perhaps of their subsistence, because a war exists in foreign and distant countries in which we have no concern, would scarcely be expected. It would be hard in principle, and impossible in practice. The law of nations, therefore, respecting the rights of those at peace, does not require from them such an internal derangement in their occupations. It is satisfied with the external penalty pronounced in the President's proclamation, that of confiscation of such portion of these arms as shall fall into the hands of any of the belligerent Powers on their way to the ports of their enemies. To this penalty our citizens are warned that they will be abandoned; and that even private contraventions may work no inequality between the parties at war, the benefits of them will be left equally free and open to all."

Upon this general subject I refer also to the second volume of Wildman's International Law, at page 211, and I ask the Secretary to read the passage I have marked.

The Chief Clerk read as follows:

"Goods going to a neutral port cannot come under the description of contraband, inasmuch as all goods with a neutral destination are equally lawful. So it was held that a cargo could not come under the description of contraband which was innocently shipped on board a vessel which sailed in *bona fide* ignorance of war. Nor can any question of contraband arise as to goods sold by neutrals in their own country and not conveyed in neutral vessels. A neutral may lawfully sell in his own country to a belligerent arms, ammunition, and other articles which would be contraband on board a neutral vessel destined to a hostile port."

Mr. CARPENTER. I will now refer to De Burgh upon international law.

Mr. SCHURZ. I would ask the Senator, in order to obtain all the information I can from him, how the quotation just read applies to the case?

Mr. CARPENTER. I will have this read, and then I will try to show the Senator. I cannot do everything at once.

The Chief Clerk read as follows:

"Commerce on the part of a neutral with a belligerent country constitutes no offense against the law of nations. Even where armed vessels or munitions of war are the subjects of sale, the neutral shipper of such articles is not, in the absence of specific treaty engagements, an offender against his own sovereign, or liable to be punished by the municipal laws of his own country. The transaction is a commercial adventure, which no nation is bound to prohibit, and which only exposes the persons engaged in it to the penalty of confiscation. To this extent it is unlawful, as it subjects the property to seizure by the other belligerents. But a neutral nation is under no obligation whatever to interfere to prevent its subjects trading in articles of contraband with the subjects of a belligerent, provided that in so doing its conduct is marked by that impartiality which should distinguish the transactions of a neutral country in its relations with belligerent States. This is the language of all writers of authority on this subject, and the point has been explicitly confirmed by judicial decisions.

"A neutral nation, says Dr. Twiss, is not bound to prohibit its subjects from trading in any article whatsoever with merchants who frequent its ports, and who may be the subjects of belligerent Powers; for the sovereignty of a neutral nation within its

own territory is as absolute with regard to nations which are at war with each other as in regard to nations which maintain relations of peace with each other. The duty of a neutral nation, as such, toward belligerent nations is comprised in one word, *impartiality*. It is not the daty of a neutral nation, as such, to undertake to prevent merchants who frequent its ports from carrying out of its jurisdiction the articles which they may have purchased on the ground that those articles may be destined to the uses of a belligerent Power; it is the business of every belligerent Power to enforce its rights of war, if it sees fit, on the high seas, or within the enemy's territory. A neutral nation may indeed bind itself by treaty engagements with a belligerent nation not to allow any merchants to purchase within its jurisdiction certain articles if they are to be carried to the ports of the adverse belligerent; but the observance of such treaty engagements will be inconsistent with neutrality unless the neutral nation should apply the same prohibition equally to all merchants intending to carry such article to the ports of either belligerent. It is not, however, the practice of nations to undertake to prohibit by their territorial laws merchants from purchasing in their ports those articles which a belligerent Power may confiscate to its own uses, *jure belli*, if it finds them on the high seas in the course of transport to the ports of the enemy, much less is it the practice of neutral nations to confiscate such articles after purchase while they are within its jurisdiction. A belligerent alone has any right, *jure belli*, to take possession of that which is the property of another person.

"To a similar effect is the opinion of Kluber, who observed, on the received custom of European nations, to allow the subjects of a belligerent to purchase from a neutral Power articles which serve for immediate use in war, provided that the purchase is made in the neutral country by the belligerents and reported by them. And a modern French writer on public law, M. Ortolan, in maintaining the same doctrine, remarked that to allow the subjects of either belligerent to come and purchase articles in a neutral market does not constitute a violation of neutrality; for a neutral nation cannot be responsible for the ultimate uses to which such articles may be applied, nor is it bound to know for whom they are bought, or what destination is reserved for them. The judgments of the Supreme Court and the opinion of the Attorney General of the United States have assisted to uphold and even to extend this rule, as to the operation of which Chancellor Kent remarks that it was successfully shown by the United States, in opposition to the contention of the French Government in 1796, that neutrals may lawfully sell at home to a belligerent purchaser or carry themselves to the belligerent Powers contraband articles subject to the right of seizure *in transitu*, a doctrine which had received the express recognition of the judicial authorities in America."—*De Burgh*.

Mr. CARPENTER. As I remarked before, this is not a question in regard to contraband of war; yet the authorities mingle the two subjects so that it is impossible to consult them upon the one subject without also reading what they say upon the other. But the precise point which I am trying here to establish—the distinction between what the nation as such may do in its own territory and what it may perhaps not do beyond its territory, but its subjects may—is sustained in clear language by this authority which has just been read. "The duty of a neutral nation as such;" that is, as a nation "toward belligerent nations" is comprised in one word—*impartiality*. It is not the duty of a neutral nation, as such, to undertake to prevent merchants who frequents its ports from carrying out of its jurisdiction the articles which they may have purchased, on the ground that those articles may be destined to the use of a belligerent Power." Taking that as a correct statement of the doctrine—and here I may say that this authority refers to the decisions of our own Supreme Court, and the decisions in Massachusetts, and the writings of various elementary writers, on pages 117, 118, and 119, which have been read—assuming this to be the true doctrine, let me come now to ask—and every principle of international law must have some reason to rest upon, or it is no principle—if a nation may (and this authority says it may) allow the merchants or agents of France to come into this country and buy munitions of war for use by the French nation, what reason is there in saying that the Government itself, if it be a dealer in such commodities, may not in its own territory do what it may authorize its merchants to do and protect them in doing?

The distinction which is attempted to be made by the Senators from Massachusetts and Missouri rests upon the mere accident of language. The cases which have been discussed have been cases of contraband of war, such being the subjects under discussion by prize courts; and most of the writers, treating of cases where the citizens of a neutral have trafficked with the belligerent nation or the subjects of a belligerent nation, the language of these courts and writers relates to such traffic; but when you rise above the mere technicalities of the question, when you seek for a principle upon which a nation may stand, and which it may vindicate with the extreme argument of war, and which need only to be right and sound in reason, I defy any man to show why within our own limits the nation may not as well sell arms to a French agent as to authorize me to do so and protect me in doing so, because as a citizen of the United States exercising lawful trade it is the duty of my Government to protect me while I am so doing, and while I confine my operations to the territory of its sovereignty.

Mr. SCHURZ. Will the Senator permit me to ask a question in order to understand him correctly?

Mr. CARPENTER. Certainly.

Mr. SCHURZ. Did he say that the case which he quoted from and the other quotations he made referred to trade carried on by private citizens, by subjects of a neutral nation, as commercial ventures; or did he quote any case in which the Government made such sales directly?

Mr. CARPENTER. The honorable Senator from Missouri is not a dull man, and he is entirely capable of comprehending what is said in ordinary plainness of language; and I must therefore suppose that I am unusually stupid to-day if I cannot make him comprehend what I said upon that subject without repeating it. What I said was this, that in principle when

you left the cases, when you departed from the technicality of the decisions which must always be confined to the particular facts before the court, and rose to principles upon which the nation might stand and which they might defend by force, because founded in reason, there was no ground for the distinction maintained between a sale by our Government and a sale made by our citizens, both sales being made within our territory.

I then said that the language of the books was confined to contraband commerce, because the cases which had been treated of belonged to that class; but that in principle no distinction could be maintained between a sale of arms made by the United States upon their own soil and a sale made by an American merchant within our own country. The authorities clearly establish that an American manufacturer might in this country have executed an order from the Government of Germany or France for cannon, arms, or other munitions of war, pending the war between those Governments. Now, what I maintain as matter of sense and reason is that whatever the United States may authorize their merchants to do, and protect them in doing, may be done by the United States themselves. What difference does it make to the belligerent whether the neutral Government sells its surplus arms to an agent of the other belligerent, or first to a merchant of the neutral country knowing that he will sell them to such agent? And yet it is clear beyond question that the neutral State may sell to its own merchants and protect them in selling within the territory of the neutral to the agents of a belligerent nation. What may lawfully be done by indirection may lawfully be done by direct and open transactions on the part of the Government itself. Suppose the United States, looking to the policy of keeping in operation all the instrumentalities for manufacturing arms and munitions of war, the training of skilled mechanics, and all that, should establish a number of armories and manufactories sufficient to turn out a vast supply of munitions of war beyond what was required for our own use, with the intention of selling the surplus to foreign nations. Such a proceeding would be entirely lawful on the part of this Government under the international code. Now, the authorities are all agreed that what a nation may do within its own territory when the world is at peace, it may do within its own territory while other nations are at war; provided that in prosecuting its customary business it preserves impartiality toward the belligerent Powers. If, pending a war between France and Germany, or France and England, the United States had a large surplus of arms, and should sell to one, and should refuse to sell to the other belligerent, without good reason for such discrimination, founded in prior treaty, or resting upon other sufficient grounds, then the proscribed belligerent would ha cause of complaint. But while our Gover ment was willing to sell to either belligere upon equally favorable terms neither cou complain.

It is conceded that pending such war t United States might sell their surplus arms o our own soil to our own merchants, and th such merchants could sell to an agent of eith of the belligerents; and that a neutral Sta is not bound to stop the exportation of warlik stores by its own merchants when it is not rious that they are designed to be used by on of the belligerents. There is therefore n ground whatever, in reason or expediency, fo the distinction which is attempted to be main tained.

But, Mr. President, in the speech of th Senator from Missouri the other evening understood him substantially to abandon th charge that these sales were made in violatio of our neutrality under the law of nations.

Mr. SCHURZ. Not at all.

Mr. CARPENTER. He says "not at all." A great part of his argument was to show that these sales were made under such circumstances as to be in violation of the rule which the War Department had established for itself during the continuance of the French-German war. What he contended for was that the direction which had been given by the Secretary of War to his subordinates not to sell to Remington had not been carried out. Why, Mr. President, that order of the Secretary of War to his subordinates was a breath, and might be recalled by a breath. Its observance or non-observance is a matter in which other nations have no interest or concern. The whole subject was within the discretion of the Secretary of War; and if we violated no neutral obligations as fixed and established by the law of nations, no foreign Power had any right to inquire into the observance or non-observance of our internal municipal regulations.

Now, what did the Government do? I shall spend no more time on the question of what it had a right to do. What did it do? The Government went on selling arms to everybody who came until the 13th of October, 1870. On the morning of that day it made a large sale to Remington & Sons, to be delivered subsequently as the arms could be collected from the arsenals and different depositaries of the United States. At a subsequent interview on that day, Mr. Squire, an agent of the Remingtons, exhibited to the Secretary of War a telegram from Ilion, New York, to W. C. Squire at the Arlington House, Washington, Remington being in France, as follows:

"Remington telegraphs if you have not yet bought for the Government you will be able to do so on better terms. By decree of the Government, issued yesterday, all arms entering France are liable to be taken as national property and paid for according

to appraisement. Speculators in arms intended for France will find their profits small. Competition with you has been forced and fictitious."

From this telegram, unexplained, the Secretary of War inferred that the Remingtons were buying arms as the agents of the French Government; and in over-caution, the exercise of a prudence which was not required by law, the Secretary of War directed that no further sales should be made to Remington. The Secretary of War in taking that position was, as I say, doing what he was not required to do. He went far beyond the requirement of international law, because the Government had a perfect right to sell these arms to either of the belligerents, as I have shown by the authorities which I have read.

After the 13th of October the Government made no sales whatever to Remington, or to any person known to be an agent of Remington or acting in his interest; although subsequent to the 13th of October the Government did execute the contract which it had made on the morning of that day, before the Secretary had seen this telegram, by a delivery of the arms. That is all the Government did.

Now let us inquire whether Remington was in fact an agent of France on the 13th of October.

Mr. SCHURZ rose.

Mr. CARPENTER. I am not on a question of law now, and I must decline to be interrupted.

Mr. SCHURZ. On a question of fact.

Mr. CARPENTER. I do not yield on a matter of fact. I decline to do so because it would lead to an interminable debate, and I am too ill to endure it.

Now, was Remington an agent of France? This investigation clearly shows that he was not at the time these sales were made. The house of Remington & Sons had been for years engaged in the manufacture and sale of arms; they had been contractors with various nations, as shown by the testimony of Squire, and for many years; and in October, 1870, they were contractors of arms to the French Government. They were not the agents of the French Government in any proper sense. The contract between them and the French Government was that they should deliver arms to France for a certain percentage above what the arms cost them in this country. From that the Senator infers that they were agents of France; but that is not a legitimate inference. Merchants dealing with each other upon commission sustain the relation of principal and agent or not, according to the facts and circumstances of each case. The mere fact that a commission is paid does not determine the question.

To make out that Remington was an agent of France, it must be shown that if Remington had bought a portion of these arms in Washington upon credit, and had promised to pay in thirty days, and yet, after he had purchased these arms and taken possession of them, he had sold them to somebody else, or thrown them away, France would have been liable to us, because her agent had contracted with us, and his contract was her contract, and whether she ever got the arms or not was a question between her and her agent. No such relations existed between France and Remington. Remington bought the arms here undoubtedly for the purpose of fulfilling his contract with France; but he bought them in his own right as an American citizen and not as an agent of France, and the testimony of Mr. Squire upon this subject, found at page 23 of the report, is perfectly conclusive. He also testifies that later in the year, in December, 1870, long after the sales had been made, one of the Remingtons did become an agent of France, commissioned by letters from the French Government, and that he thereupon received the French funds in New York, and acted openly as their agent.

This subject of the sale of arms, under the legal aspect of the case, may be summed up as follows: in the first place, I maintain, as established from these authorities, what the report contends for, that if these sales had been made by our Government directly to an agent of the belligerent or to the sovereign of either belligerent in person, in the city of Washington, the law of nations would not have been violated.

In the second place, I maintain that this proof shows that our Government never did sell a gun to a man known to be an agent of the French Government.

In the third place, I maintain that the men to whom they did sell were not in fact agents at the time the sale was made.

The next subject treated by the committee was whether the sales of arms were fairly and advantageously made. There is no question in regard to this point. I do not understand the Senator from Missouri to attack it at all. The testimony is entirely conclusive. There was a sale of what amounted to about ten million dollars of property which in a series of years would have become worthless or would require for repairs and preservation a sum equal to their value. They were sold by our officials taking advantage of the market and exercising their skill as tradesmen. They were sold on advantageous terms and at prices far higher than they would command to-day, and the Government received $10,000,000 for them.

The Senator from Missouri made a calculation, dividing this sum between the inhabitants of the United States, and reached the conclusion that what would be received by each inhabitant was too trifling to induce him to consent to a sale made under what he denominated such "fearful risks." What fearful risks? There was no danger of losing the good will

of Prussia. Her officials had too much sense to suppose that we were doing anything wrong by selling our own property in our own country to any purchaser. Upon the former discussion of this subject the Senator from Massachusetts [Mr. WILSON] read a letter from Mr. Spinner, Treasurer of the United States, from which I ask that an extract may be read.

The Chief Clerk read as follows:

"TREASURY OF THE UNITED STATES,
WASHINGTON, *February* 16, 1872.

"MY DEAR SIR: It has occurred to me that the following facts might be of interest to you, in connection with the debate which has taken place in regard to the sale of arms by the United States to alleged agents of the French Government during the late war between France and Germany.

"During my European tour last summer, I saw in several German newspapers a statement substantially as follows:

"Baron Gerolt, it was said, had called the attention of Prince Bismarck to the fact that agents of the French were large purchasers of arms and munitions in the United States, which he was informed were intended for the use of the French army of the Loire. Believing this to be in violation of both the law of nations and treaty stipulations between Prussia and the United States, he deemed it his duty to call the attention of his Government to the facts and to ask for instructions as to the course which he should pursue. Should it, however, be concluded that his judgment as to the violation of law and treaty stipulations was erroneous, he desired to say that he had been assured that he could prevent the arms in question from going to France and obtain them for his own Government, upon payment of an advance of fifteen per cent. upon the price which the French had agreed to pay.

"To this communication the German chancellor was said to have replied that in his opinion, after due examination and consideration, the reported sales of arms to France were in violation of neither the law of nations nor any treaty stipulations with the United States, and that, as to the purchase of the arms at an advance of fifteen per cent. or at any other rate, he saw no reason for authorizing it, since the German troops would doubtless be shortly able to obtain them for nothing by picking them up on the banks of the Loire!"

Mr. CARPENTER. Upon the question of the legality of these sales I quote the chancellor of Germany against the Senator from Missouri. Bismarck was informed by the German minister at Washington of what was being done by our Government, and was inquired of, first, whether he should make any objection to it; and second, whether Prussia desired to purchase any of the arms? Bismarck, after due consideration, replied that the sales were legal, were not in violation of the law of nations nor of any treaty between the United States and Prussia, and that Prussia did not desire to purchase any of the arms, preferring the chance of picking them up on the banks of the Loire. What risk, then, did we run? Possibly the Administration ran the risk of losing the support and friendship of the Senator from Missouri. That was, however, no risk at all, for he was lost to the Administration long before. But if it were still an open question whether the Government should realize $10,000,000 by a perfectly legal sale of property that would soon become worthless in order to retain to the Administration the support of the Senator from Missouri, I should vote against paying that sum for that purpose. [Laughter.]

What risk, then, did we run? None whatever. We exercised an undoubted right and performed a clear duty. We put $10,000,000 in the Treasury, thus relieving to that extent the tax-payers of the country.

Another subject investigated by the committee was whether any officer of the Government had behaved improperly or profited personally in connection with these sales. No time need be devoted to this point, because the charge is now abandoned. Since the evidence was taken it is not pretended by any one that there was any improper or corrupt conduct in these sales, or that any officer of the Government derived any profit from them. Every dollar that was received was paid into the Treasury, and it is now admitted on all sides that the supposed discrepancy of accounts between the War and Treasury Departments had no existence in fact.

The committee were also instructed to inquire "whether any member of the Senate, or any other American citizen, is or has been in communication or collusion with the Government or authorities of any foreign Power, or with any agent or officer thereof, in reference to the matter of said sales." It was in that branch of the investigation, I imagine, that the committee incurred the wrath of the Senator from Massachusetts and the Senator from Missouri. It appears that the Marquis de Chambrun, who does not shine so brilliantly in the light of this testimony as he did in the speeches of those Senators preceding the investigation, had been in Washington for some time and exceedingly anxious to have an investigation into this subject. It appears that he first applied to the Senator from New Hampshire, [Mr. PATTERSON,] and requested him to introduce a resolution. After considering the subject, Mr. PATTERSON informed him that he had determined not to do it and for the following among other reasons:

"Besides, I thought, as a friend of the Administration, if any subordinates in the employ of the Government had been connected with such fraudulent transactions, it was my duty to state the case to the President and to the Secretary of War, and let them take the initiative, and carry through any investigations of this kind."

That was the very proper conclusion of the Senator from New Hampshire. Thereupon the Marquis de Chambrun applied to the Secretary of War, who testifies upon that subject:

"I would further state, in reference to these private interviews, that on both those occasions, December 27, 1871, and January 20, 1872, the Marquis de Chambrun informed me that he was satisfied that a resolution of investigation would be introduced in Congress, investigating the matters concerning these sales of arms; that he was a friend of the Administration; that he was attached to the Administration; that he was anxious that this resolution should be offered by some person who was a friend of the Administration; and that he thought I had better use my influence to that end."

The Secretary of War declined to have anything to do with it; told the Marquis de Chambrun he cared nothing about an investigation; there was nothing to be concealed, the investigation was already made; for he had made the reports, and the books of the Department were open to everybody. Having failed in his application to the Senator from New Hampshire and to the Secretary of War, and, as far as the Senator from New Hampshire is concerned, because he was a friend of the Administration, the Marquis turned his attention to Senators who were known not to be friends of the Administration; and henceforth we find him in daily communication with the Senator from Massachusetts down to the time when this preamble and resolution were introduced. It also appears that he furnished the Senator from Massachusetts with the copy of the letter from Remington to Le Cesne, which constitutes an essential part of the Senator's famous preamble, although he denied having done this to Secretary Boutwell, and pretended that he had given a copy of the letter to Senator PATTERSON to show to the President, and that PATTERSON had delivered it to the Senator from Massachusetts. The latter Senator, however, testifies that he received the copy of this letter from Chambrun himself; thus positively, while under oath, contradicting the testimony of his friend Chambrun, whom he lauded so highly in his former speech upon this subject. Indeed poor Chambrun, as he is exhibited in the testimony, is entitled to commiseration.

Mr. President, one remark more upon the pretended discrepancy of accounts between the two Departments. The Secretary of War was an officer of honorable service during the rebellion, and the Secretary of the Treasury is an honored citizen of Massachusetts. This suspicion cast upon the honored heads of two of the Executive Departments by this intriguing Frenchman might have been dispelled by an examination of the published documents upon our table, or at the trifling inconvenience of walking to the Departments to ascertain the truth. But Secretaries Belknap and Boutwell are personal friends of the President. This cancels all their excellence in the estimation of the Senator from Massachusetts, and he was willing to arouse and confirm popular suspicion against their integrity, to secure reflected discredit upon their chief, the President of the United States; and to that end the Senator introduced his preamble, not knowing, and apparently not caring, whether it recited truth or falsehood, and made it the foundation of an acrimonious attack upon the Administration. These facts reflect a strong light upon the motives of that Senator in all this business.

I have spoken to all the principal subjects embraced in this report. Its statement of facts is abundantly sustained by the accompanying testimony, and I have referred to the authorities which suppport the principles of international law which the report adopts. And here I leave the report to the dispassionate judgment of the people.

But, sir, the present debate, begun by the Senator from Massachusetts on Friday and continued by the Senator from Missouri on Friday evening, was not intended to discuss the question of the sale of arms. That was the pretext for thrusting another political debate upon the Senate prior to the Philadelphia convention. I have already shown you how the Senator from Massachusetts glided by this subject with only a passing and angry glance, and devoted columns of personal abuse to the Chief Magistrate of the nation. The subject was originally introduced for mere partisan purposes, not to ascertain the facts, and this new phase of it is in full keeping with the primary design. The object is to prejudice the Administration with calumny and falsehood, in the vain hope of thwarting the manifest purpose of the people to renominate and reëlect General Grant. The late speech of the Senator from Massachusetts, with two paragraphs upon the subject and twenty columns of calumny upon General Grant, fully justifies this statement.

Mr. President, the Senator from Massachusetts has assumed a position which not only invites but compels an examination of his motives, and after his deliberate and merciless attack upon General Grant, who by the proprieties of his station is precluded from replying, the Senator cannot complain if the friends of General Grant accept the war he has declared, and carry it into the Senator's own camp.

The Senator from Massachusetts has long been in public life. He was associated early with measures which finally triumphed, changing the policy of this country from a protection of slavery into a vindication of freedom. When this great consummation was accomplished, it was natural that its leaders and champions should be held in honor and regarded with affection by colaborers in the same field, and by the enfranchised race. The Senator enjoyed the flattering and dangerous encomiums which a grateful people always bestow upon real or supposed benefactors. But it proved true of him, as of many others, that the fortitude which can survive opposition, is not always distinguished by the steadiness that can endure success. The adulation of thousands, and the constant burning of incense before him, have so completely turned his head that he seems incapable of considering any subject apart from himself. He has, as it is reported, long been not only an admirer, but an imitator of Burke; and it is clear that in the elaborate and malignant philippic upon the President, which he read in the Senate on Friday, which was composed at great expense of midnight oil, printed in pamphlet form, and partially dis-

tributed before its delivery in the Senate, the Senator had in mind Burke's terrible arraignment of Warren Hastings, which was so vindictive as to provoke the following epigram:

"Oft have we wondered that on Irish ground
No poisonous reptile has ere yet been found;
Revealed the secret stands of Nature's work,
She saved her venom to create a Burke."

Imitators are always more successful in copying the vices than the virtues of the old masters; and the Senator's philippic as far excels its model in malice and meanness as it falls short of it in grandeur and eloquence. And there are many reasons for fearing that the Senator will meet the fate of Burke, who late in life turned away from his early principles and died in the embrace of his early enemies, detested by his early friends.

I propose to consider several of the articles of impeachment which are set in array by the Senator's speech against the President. And first let me consider the charge that the President has turned the Executive Mansion into a military headquarters. What are the facts? Three officers of the Army may be found in the White House. Babcock, a major of engineers, detailed in pursuance of an act of Congress to act as commissioner of public buildings and grounds; and Dent and Porter, officers belonging to the staff of General Sherman. Three more modest and courteous gentlemen cannot be found in the United States. They were members of General Grant's military family during the war, and they love him, as do all those who have ever served with him. In so far as they can assist the President, it is with them a labor of love to do so, and only a labor of love, for neither one of them receives one cent of compensation for such service. If they were all dismissed from the White House to-day Babcock would have an office in some other public building, and receive the same salary as at present. Dent and Porter would be occupying rooms in the War Department, dividing with other assistants of General Sherman labor not very severe in these piping times of peace, and which would be lighter still when still further divided. It has been attempted by the Senator to exalt these gentlemen into some official importance; but they are merely clerks at the White House, assisting the President, with the permission of General Sherman, their official chief; and here let me repeat that neither of them receives a cent for such assistance beyond his pay as an officer of the Army.

Now for the precedents. General Washington appointed General Knox, his old comrade in arms, Secretary of War; General Jackson was assisted by Major Donaldson; General Taylor by his son-in-law, Colonel Bliss, and President Johnson, by four officers of the Army, detailed for service at the White House.

When General Grant took possession of the White House it was patrolled by sentinels day and night; so was the War Department; so was the residence of Mr. Seward. The first night General Grant slept at the President's House, after retiring, he heard the tramp of soldiers in the hall below, and presently the command, "Halt; order arms," and the crash of muskets on the floor. The General, not knowing what it meant, ran down stairs to ascertain. There he found an officer in command of a squad of soldiers; and on asking an explanation, the General was informed that it was the night guard of the Executive Mansion, which for a long time had been stationed there every night. But General Grant informed the officer that he could take care of himself, and ordered him to take his soldiers to their quarters. He waited till his armed friends had left, then locked the door and went to bed. The next day the whole business of sentinel service was discontinued, and not a soldier has been on duty at the White House since. General Grant also ordered away from Washington all the companies of soldiers which were on duty here when he was inaugurated; and not a company of troops can now be found in or around Washington city.

Now, in the light of these facts, let me turn to the Senator's speech and read what he says about the turning of the Executive Mansion into a military headquarters. It is a fair sample of the monstrous exaggerations of the Senator's speech:

"ILLEGAL MILITARY RING AT EXECUTIVE MANSION.

"The military spirit which failed in the effort to set aside a fundamental law as if it were a transient order was more successful at the Executive Mansion, which at once assumed the character of military headquarters. To the dishonor of the civil service, and in total disregard of precedent, the President surrounded himself with officers of the Army, and substituted military forms for those of civil life, detailing for this service members of his late staff."

Allow me to call attention again to the precise language; and here let me repeat that this speech of the Senator from Massachusetts is not to be estimated as you would estimate a speech thrown off in the heat of an extempore debate. This wrath was carefully distilled; this speech was prepared with great and protracted labor.

Here is a deliberate arraignment, and what is here is either deliberate truth or deliberate falsehood; one or the other. When he alleges, as he does here, that "to the dishonor of the civil service and in total disregard of precedent, the President surrounded himself with officers of the Army, and substituted military forms for those of civil life, detailing for this service members of his late staff," the Senator from Massachusetts penned, revised, corrected, printed, published, sent to the world a deliberate truth or a deliberate falsehood. Which was it? Was there no precedent for his being served by a few clerks who were willing to aid him without pay, from mere personal affection? Did not Andrew Johnson

have four Army officers detailed for service in the White House? Had not Andrew Johnson been surrounded with sentinels and the White House guarded like a military fortress; and in all the complaints that were made against Andrew Johnson, did any man charge him with violating the law in having his house protected at night by sentinels? Was any complaint made upon the ground that three or four Army officers were serving him in the capacity of clerks in the White House? If there was, I never heard of it, and yet we know that in that heated and angry time those who opposed Andrew Johnson were not overscrupulous about the charges they brought against him, and still such a thing was never laid to his charge, although, as I have shown, instead of what has been done and is being done now being without a precedent, it is less in every respect than was done during the entire administration of Mr. Johnson without criticism from anybody whatever.

But again, this is a charge not only that the Executive Mansion has assumed the character of military headquarters, but that he has substituted military forms for those of civil life. I take it to be the duty of this Senate, I take it to be the duty of the members of the other House, I take it to be the duty of all lovers of truth and justice, who reside for a portion of the year in Washington and know the facts, to bear testimony to the American people whether this arraignment of President Grant is a truth or a falsehood. Senators, how has the White House been made to assume the character of military headquarters? Do you encounter any sentinel at the door? Do you see any orderly on the stairs? Do you see a gun or a musket or a shoulder-strap in the White House from top to bottom? Not one. The whole charge is baseless as a dream.

Then came the Senator to the great crimes of nepotism and gift receiving. Well, I do not propose to waste much strength upon either of these subjects. Nepotism is a pretty large phrase, and would include a good many of us in its rigid application. I am not aware that it is any worse for a man to procure his brother to be appointed to an office, if competent to discharge its duties, than it is to procure an appointment for a particular friend. In principle there is no difference between the two cases. It may be that if we were exercising that romantic Spartan simplicity of manner which may return after the millennium, when the Senator from Massachusetts and the Senator from Missouri shall be in joint possession of the White House, this sort of thing might be objected to; but really, in the practical course of business in this country, the thing is a little too trifling to deserve serious attention.

Receiving gifts! What is there of this? Simply that it results from the consciousness of the American people that the salaries paid by our Government are but niggardly compensation for high public service. When the war closed, the exultation and gratitude of the people were unbounded, and it naturally found expression toward those who had rendered most distinguished service in suppressing the rebellion.

Many instances of the same nature are found in English history. Marlborough and Wellington were both honored and rewarded by similar expressions of admiration and gratitude. True, in these cases the acts of reward proceeded from Parliament, but Parliament was not fettered by the rigid provisions of a written constitution, and could in its omnipotence so give voice to the feelings of the British people. Here the most that Congress could do would be limited to the gift of a sword, with as few diamonds as possible about the hilt. But here the people in their own generous way, spontaneously rendered tribute, and a victorious general could certainly not be regarded as tarnishing his laurels by accepting such voluntary, nay, enthusiastic evidence of appreciation. Grant was not alone in receiving such tokens of appreciation and gratitude. Sherman, McClellan, Sheridan, and other distinguished officers were recipients of the same kind of acknowledgments.

Are these free gifts of a grateful people—a people grateful for country and liberties saved—to be likened to bribes? Who will say it? The Senator from Massachusetts, in his assumption of personal purity and lofty virtue, may utter his spurious indignation, and fortify his position by "wise saws and modern instances," but the robust common sense of the American people will reject with contempt all such absurd criticism and censure.

The next serious arraignment of the President is in respect to the "big" war he prosecuted against Hayti! I do not propose to go through the San Domingo discussion again. We had it here in secret session and in open session. The Senator from Missouri labored at great length, in open session, to show that the President of the United States had for a long time been levying war upon the republic of Hayti, and the Senator from Massachusetts swelling with what I have no doubt he thought was inspiration, but what was undoubtedly mere atmosphere, repeated some ancient writer who says, "There is no such thing as a small war." He allowed the Senator from Missouri to establish the fact that there had been a war, and then he resurrected antiquity to say that there could be no "small" war. Well, take the two Senators together, and what resulted? Why, that General Grant prosecuted for months a great war against Hayti.

Now, is that really so, or is there a little exaggeration about that, too? Is that subject to the same deduction and discount you have to make in regard to the White House having

been turned into a fort, and civil life having lost its appearance entirely in the military arrangement for defense within which General Grant has intrenched himself against the assaults of the Senator from Massachusetts and the Senator from Missouri? Yes, sir, this statement needs just the same deduction. General Grant, it must be understood, knows something about the methods of war. Had the Senator from Massachusetts been President of the United States and wanted to levy a war upon Hayti, it is very probable that he would have waged it in as gentle a manner as Grant is alleged to have done this; but General Grant manages war after a different fashion. He was Commander-in-Chief of the Army and of the Navy, and if he meant to make war upon Hayti he knew how to do it.

But, sir, what was there of that great war upon Hayti? When it was finally ciphered down on the investigation, and the precise facts ascertained, the only act done by any naval officer which could be tortured into a prosecution of war, was the firing off of one sky-rocket from the deck of one of our ships, somewhere near the coast of Hayti. So that we are told that General Grant, a chieftain of some reputation and experience, in command of the Army and Navy of one of the greatest nations on earth, levied a war upon that feeble Government for months, and, in the frescoed rhetoric of the Senator from Massachusetts, a great war, too; yet not a soldier marched, not a gun was fired, not a pocket pistol was drawn; a single sky-rocket was discharged from a man-of-war. [Laughter.]

What is the charge against the President? Why, that he usurped the war power of this nation when he fired that sky-rocket. [Laughter.] You cannot fire a sky-rocket from a man-of-war in the Indian ocean, nor in Liverpool, nor anywhere on the globe, without a previous act of Congress specifying the precise moment when the sky-rocket shall be fired, in what direction it shall be aimed, how much material shall be in it, and the purpose for which it shall be fired. And if you do not so provide, and if any naval officer somewhere shall, no matter with what purpose, send up into blue space one sky rocket, the President of the United States, who never even saw the sky-rocket, is chargeable with having usurped the war power of the nation and levied a war for several months. There are a great many things that might be said about this momentous matter; but, indeed, it is hardly worth more talk. I do not believe the people of this country will quite think General Grant made a war for several months that nobody ever heard of, and in which not even a pocket pistol was discharged.

But the most remarkable part of the Senator's speech remains to be considered. I think the people, as they read this malicious arraignment, may lose their patience, but they will probably preserve their gravity until they come to the place where the Senator from Massachusetts arraigns the President of the United States for egotism, self-pretension, and a quarrelsome disposition. Mr. President, if the people of the United States could see these men as we see them daily in official and social intercourse, if they could be acquainted as we are with their incomings and outgoings, their daily walk and conversation, they would comprehend the joke to a degree which they never could without such knowledge. Sir, go to the White House any day, or any evening, and you see the President of the United States, a mild, gentle-mannered man, accessible to the highest, lowest, richest, poorest, blackest, whitest citizen of the United States; to all who seek him "sweet as summer," never alluding to himself, never referring to his achievements in the war. Turn from that picture to the lofty and prancing Senator from Massachusetts, who has just pranced out of the Chamber, [laughter,] and then imagine that Senator in all his pomp and pride of circumstance, rising here with a prepared and printed, revised and corrected oration, arraigning General Grant for egotism and pretension; and yet more, for a quarrelsome turn of mind!

Now, Mr. President, here is another point as to which it is our duty to testify. The American people do not fully know these two men. They do not know how false in every sense, not only in its letter, but in its spirit, and in all the impressions it is designed to produce, that assertion is. We do know it. I appeal to you, Senators, as men of honor; I say you cannot sit here silently and witness such injustice committed in this Chamber. If you do, you become a party to it. Your silence gives assent to it, and in some sense you give your approbation to that charge, and send it out against General Grant before the American people.

What are the facts? And I speak now of what every man who knows General Grant knows. I was trying last night to recall a single instance if in conversation in regard to the late war I had heard General Grant allude to himself, and I could not. I have heard him speak in the most glowing terms of his comrades in arms. I have heard him speak of the exploits of Sherman. I have heard him allude to what was done by LOGAN, by McPHERSON, and by many other officers of the Union Army. I never heard him say, speaking of a battle, "At such a juncture I thought I would do so and so;" or, "I ordered a battalion this way or that;" or, "I turned the scale by such a maneuver." I never heard him allude to himself in connection with the war. I believe you might go to the White House and live with the President and converse about the war day after day, and you never would know from anything he said that he was in the war at all.

Turn now again to his great accuser, the

Senator from Massachusetts. Who ever heard him speak five minutes on any subject that he did not glorify himself? [Laughter.] I challenge any man, any friend of his, to go to the Library and bring at random any volume of the Congressional Globe since he took his seat as a Senator, and show me five inches of a speech of that Senator that does not praise himself. Why, sir, in this very speech in which he arraigns General Grant for egotism, he commences by glorifying himself. *He* established this Republican party; *he* was the earliest and the most anxious, and *he* the most effective of those men who brought it into being; and *he* prays for its life less for its own sake than that *he* may be spared the sorrow of following its hearse. Sir, the absurdity of this charge, when you consider the two men as we know them, both the accuser and the accused, passes all human understanding, comprehension, or belief.

I have heard it said (and I am sorry that the Senator is not here to correct me if it is not true) that a very estimable lady once wrote to the Senator from Massachusetts invoking his aid for some individual who had a case or a claim before Congress. The Senator replied that he was so absorbed in the contemplation of general principles, and so arduously laboring for the welfare of man in general, that he had no time to devote to the wants of individuals. The lady responded, thanking him for the civility of his reply, and reminding him that so far as she was informed he had taken a somewhat loftier attitude than was occupied by the Almighty, [laughter;] that while He governed the universe, while He ruled the orbs in their spheres, He also considered the wants of His children, and that not even a sparrow could fall without His knowledge.

But another great offense of the President is that he is so quarrelsome; and here I will ask the Secretary to read from the Senator's speech the paragraph which I have marked.

The Chief Clerk read as follows:

"Evidently our President has never read the eleventh commandment: 'A President of the United States shall never quarrel.' At least he lives in perpetual violation of it, listening to stories from horse-ears, gobbling the gossip of his military ring, discoursing on imaginary griefs, and nursing his unjust anger. The elect of forty million people has no right to quarrel with anybody. His position is too exalted. He cannot do it without offense to the requirements of patriotism, without a shock to the decencies of life, without a jar to the harmony of the universe."

Mr. CARPENTER. Mr. President, it is one of the commonest, though by no means the greatest, errors into which the Senator from Massachusetts has fallen that he identifies himself so completely with the universe that he is not at all certain whether he is part of the universe, or the universe is part of him. [Laughter.] He asserts here that when the President quarrels with him—of course that is what he means; he did not mention himself, but he never considered anybody but himself; and when he was speaking of the President quarreling he meant that great quarrel of which the President has been made the victim, and to which he has quietly and silently submitted, a quarrel forced upon him by the Senator—he says that such a quarrel jars the harmony of the universe! Well, well! The Senator from Massachusetts might be jarred a great deal more than he has been, and the universe would not take the slightest notice of it. [Laughter.] The universe would not tremble if he were hit far more severely than he ever has been. This is one of those stupendous, inconceivable evidences of the humility of the Senator from Massachusetts which I wish I could read in the hearing of every man in this land.

But, Mr. President, this is not the highest point of arrogance and assumption to which the Senator rises in this paragraph. It is not that he has mistaken himself for the universe that anybody will seriously complain. He has risen in this paragraph above the universe; he has seated himself by the side of the Almighty, and undertaken a revision, correction, and enlargement of His works:

"Evidently our President has never read the eleventh commandment."

Now, then, comes the quotation. From whom?

"A President of the United States shall never quarrel."

This is the addition which the Senator from Massachusetts engrafts upon the decalogue, that body of laws given by God to man amid the thunders of Sinai. I hold in my hand the sacred volume which contains the revelations of man's latest existence on earth, and penetrates the vail and discloses the mysteries beyond. John, on the island of Patmos, being "in the spirit on the Lord's day," saw many things, clean and unclean; he saw the great red dragon with seven heads and ten horns; he saw the whore of Babylon in scarlet attire; and he saw the Senator from Massachusetts. [Laughter and applause in the galleries.]

The PRESIDING OFFICER, (Mr. EDMUNDS in the chair.) Order must be preserved, or the galleries will be cleared.

Mr. CARPENTER. And apparently with a view to prevent the blasphemy which we have witnessed in this Chamber there are written at the conclusion of this sacred volume which contains the light of our life in this life and our guide to a better abode above words of awful admonition which I commend to the careful study of the Senator from Massachusetts:

"For I testify unto every man that heareth the words of the prophecy of this book, if any man shall ADD unto these things, God shall add unto him *the plagues that are written in this book.*"

"And if any man shall take away from the words of the book of this prophecy, God shall take away

his part out of the book of life, and out of the holy city, and from the things which are written in this book."

Oh, Senator from Massachusetts, reviser and corrector of the decalogue, how I regret your absence so that you cannot hear these passages of Scripture! [Laughter.] Why, sir, if the presumption of the Senator from Massachusetts should only reach a little higher, you might find in the book-stalls of this city within a year a volume entitled "The Sermon on the Mount, revised, corrected, and greatly enlarged and improved by CHARLES SUMNER." [Laughter.] I submit such a production would be in perfect keeping with his supplement to the decalogue.

But, Mr. President, suppose that on a careful and impartial investigation of facts it should turn out that all the quarrel that exists between the Senator from Massachusetts and the President of the United States is a quarrel entirely on the part of the Senator, and that it is based upon motives utterly unworthy of a Senator, what would be thought of it then? I am sorry he is not here to correct me if I am misinformed, but I am told by those who ought to know that the first trouble that occurred between the Senator from Massachusetts and the Administration was in regard to the Greek mission. It was held by Mr. Tuckerman, who had always performed his duty to the satisfaction of the Government, and on the accession of this Administration the Senator from Massachusetts, as chairman of the Committee on Foreign Relations, demanded that place, and demanded it for a friend of his in Boston, upon the ground that his friend had, as he said, been "a life-long friend." It so happened that the Administration could not consistently and properly gratify the Senator in this matter. The demand, as I understand it, was made on mere personal grounds. The Senator from Massachusetts demanded the appointment not because Mr. Tuckerman was not a worthy representative, but because the Senator desired to gratify a "life-long friend." If this was not "nepotism" *on the part of the Senator*, what was it?

Then came the removal of Mr. Motley, minister to England, for reasons satisfactory to the Senate. That matter was considered in secret session, and I cannot refer to anything that took place. I cannot say whether or not in that debate the Senator from Massachusetts declared that Mr. Motley's appointment had been conceded to him as chairman of the Committee on Foreign Relations. I cannot say whether or not Mr. SUMNER declared that Mr. Motley was his personal friend. I cannot say whether or not Mr. SUMNER said that if Mr. Motley should be removed it would be the end of all amicable relations between him and this Administration, or words to that effect. I cannot say anything about it, and I do not intend to do so. [Laughter.] But, I say, suppose such were the facts, what would the people of this country think of the Senator who now comes here and arraigns the President as a quarreler, and announces himself as the champion of civil service reform, and opposed to entertaining personal considerations in the administration of public affairs?

There are so many remarkable things in the Senator's speech that it is impossible to dwell longer on any one point, and my strength is so far exhausted that I shall be compelled to leave many of these sweets for further consideration by other Senators. There is one thing, however, which for its enormity deserves special attention, and if I thought it would take the last breath of life I have to spend on anything, I would spend it on this. I ask the Secretary to read the extract in relation to Mr. Stanton.

The Chief Clerk read as follows:

"THE TESTIMONY OF HON. E. M. STANTON.

"Something also must be attributed to individual character; and here I express no opinion of my own; I shall allow another to speak in solemn words echoed from the tomb.

"On reaching Washington at the opening of Congress in December, 1869, I was pained to hear that Mr. Stanton, lately Secretary of War, was in failing health. Full of gratitude for his unsurpassed services, and with a sentiment of friendship quickened by common political sympathies, I lost no time in seeing him, and repeated my visits until his death, toward the close of the same month. My last visit was marked by a communication never to be forgotten. As I entered his bedroom, where I found him reclining on a sofa, propped by pillows, he reached out his hand, already clammy cold, and in reply to my inquiry, 'How are you?' answered, 'Waiting for my furlough.' Then at once with singular solemnity he said, 'I have something to say to you.' When I was seated he proceeded without one word of introduction: 'I know General Grant better than any other person in the country can know him. It was my duty to study him, and I did so, night and day, when I saw him and when I did not see him, and now I tell you what I know, *he cannot govern this country.*' The intensity of his manner and the positiveness of his judgment surprised me, for though I was aware that the late Secretary of War did not place the President very high in general capacity, I was not prepared for a judgment so strongly couched. At last, after some delay, occupied in meditating his remarkable words, I observed, 'What you say is very broad.' 'It is as true as it is broad,' he replied promptly. I added, 'You are tardy; you tell this late; why did you not say it before his nomination?' He answered that he was not consulted about the nomination, and had no opportunity of expressing his opinion upon it, besides being much occupied at the time by his duties as Secretary of War and his contest with the President. I followed by saying, 'But you took part in the presidential election, and made a succession of speeches for him in Ohio and Pennsylvania.' 'I spoke,' said he, 'but I never introduced the name of General Grant. I spoke for the Republican party and the Republican cause.' This was the last time I saw Mr. Stanton. A few days later I followed him to the grave where he now rests."

Mr. CARPENTER. Mr. President, let us examine this remarkable statement a little in detail. The Senator asserts that this interview occurred a few days before Mr. Stanton's death; and that Mr. Stanton was expressing not a sudden conclusion formed upon newly-discovered testimony, but the result of his

study of Grant's character for many years. He makes Mr. Stanton say "I know General Grant better than any other person in the country can know him. It was my duty to study him when I saw him and when I did not see him," &c. And he makes him say "that he was not consulted about the nomination" of General Grant for the Presidency, and that in the speeches which he (Stanton) made during the campaign he never introduced the name of General Grant.

The Senator from Massachusetts has been very unfortunate in all this business. He waded into this investigation chin deep upon the strength of letters of very eminent individuals, whose names he refused to disclose, and whose testimony, therefore, we could not obtain. But upon this occasion he evidently intended to support his charge against General Grant by witnesses who could not be called to impeach him. So he violated all the delicacies of friendship and invaded the sanctuary of the grave and called Edwin M. Stanton back to bear testimony against the President of the United States. Sir, it is a little difficult to keep strictly within parliamentary decorum and say what ought to be said on such an occasion. I shall attempt to do it, and I hope I shall succeed.

In the first place, I am speaking to men who will know whether I am right or wrong in what I say; and I assert that if Mr. Stanton made that declaration to the Senator from Massachusetts under the circumstances detailed by him, if there is a word of substantial truth in that whole paragraph, if it be not an infamous fabrication from first to last, then Mr. Stanton was the most double faced and dishonest man that ever lived; and I call upon Senators around me to bear testimony upon this point.

There were accidents that brought me to know Mr. Stanton very well. I came here to attend to an important lawsuit, occupied a room in the War Department, and for several months saw Mr. Stanton daily. I went to the Supreme Court in the morning at eleven o'clock to watch the progress of its business, and I was at leisure for the rest of the day. I was much of the time at the Department, and therefore frequently with him. He was at that time, as you all know, imprisoned in the Department in consequence of troubles with the President, and he used to come into my room to smoke and often invited me to walk with him. In the course of our conversations I heard him refer to General Grant a hundred times, and never but with the highest respect and the kindest feeling.

I came here a Senator at the session at which Mr. Stanton died and was frequently at his house during his last illness. I saw him just before he died, under circumstances which gave me an opportunity to know more than I should otherwise have known of his feeling toward General Grant. I had charge for the first time in my life of a bill in the Senate, the bill which we passed for the reconstruction of the Legislature of Georgia, after the colored members had been expelled. We sat late at night to pass it. At about half past eleven, while in my seat, it occurred to me something might be done to insure the appointment of Mr. Stanton as judge of the Supreme Court. It had been talked about for some weeks. It had been expected by many of us, and yet his nomination did not come. I then and there drew up a letter to the President recommending Mr. Stanton to be appointed judge of that court. I took it around this Chamber and in less than twenty minutes obtained thirty-seven signatures of Republican Senators. That was Friday night, and before leaving the Senate Chamber I agreed with the Senator from Michigan [Mr. CHANDLER] to meet me at the White House the following morning, Saturday, at ten o'clock, to present the letter to the President.

The next morning at ten o'clock I rode to Mr. Stanton's and showed him the letter, and as he glanced over it the tears started down his cheeks. He said not a word. He did not even say, thank you. Witnessing the depth of his emotion I bowed myself out, telling him that I was going to present it to the President.

I carried it to the President and found the Senator from Michigan with the President, awaiting me. Said the President:

"I am delighted to have that letter; I have desired for weeks to appoint Mr. Stanton to that place, and yet, in consequence of his having been Secretary of War and so prominent in the recent political strife, I have doubted whether it would answer to make him *a judge;* that indorsement is all I want; you go to Mr. Stanton's house and tell him his name will be sent to the Senate on Monday morning."

This was on Saturday. I then drove back to Mr. Stanton's house and told him what the President had said. Mr. Stanton's first reply was: "The kindness of General Grant—it is perfectly characteristic of him—will do more to cure me than all the skill of the doctors." And, sir, I know that in the serious illness which terminated so disastrously he frequently had occasion to refer to the course of the Administration, to matters that were pending in Congress, and I do know, and I can testify, and I hold it to be my solemn duty to testify, that in all those interviews, from first to last, from the time I first made his acquaintance down to the hour of his death, I never heard him say of General Grant anything that was not of the kindest nature and of the highest praise.

My friend from Vermont [Mr. EDMUNDS] reminds me of a difficulty that occurred after the name of Mr. Stanton was sent to the Senate. He was appointed to succeed Mr. Justice Grier who had retired, to take effect on a future day, the 1st of February I think, that he might be present at the decision of some causes that had been previously argued. Mr.

Stanton's name was sent here; he was confirmed by the Senate, and a commission made out and ready to be delivered. The President then suggested this difficulty: Mr. Justice Grier still being in office, could the commission be delivered? Thereupon several friends were consulted by the President and they advised him that there was no difficulty on that ground; and thereupon the commission was sent to Mr. Stanton, to take effect on the day when the resignation of Mr. Grier should take effect. The President continued to call upon him at his house, day after day, during his last illness, up to the day of his death, and followed his remains to the grave.

The circumstances of the appointment of Mr. Stanton to the place were very remarkable. Mr. Justice Grier, an old man full of honors and full of days, had sent in his resignation or announced his disposition to retire on a certain day. Mr. Stanton was nominated, confirmed, commissioned, and ready to take his seat. He was then taken sick, died, and was buried, all before the 1st day of February, and on that day good old Justice Grier returned, took his place on the bench, and helped to decide causes after his successor had been appointed, commissioned, and was dead and buried. The circumstanees show the anxiety of the President in this matter to do this kindly act to his friend Stanton; and I tell you, sir, what I do know and what no statement could shake from my belief for one moment, that there is not one word of truth in the whole paragraph which has been read from the desk.

In the paragraph quoted from the Senator's speech, he represents Mr. Stanton as saying that although in the campaign of 1868 he took the stump for the Republican party, he did not mention the name of General Grant. I have here the report of a speech made by Mr. Stanton at Steubenville, Ohio, where he had formerly resided, and I read from it, being a report in the Daily Chronicle of September 27, 1868, as follows:

"*Friends and Fellow-Citizens:* The time is rapidly approaching when you will be called upon to choose whom you will trust with the chief executive power of this nation for the next four years, who shall exercise the law-making power as your Representatives in Congress during the next congressional term. You have never made a choice so important to yourselves, to your country, and to mankind; for upon it may rest the choice of peace or of war, of domestic tranquility or civil discord, freedom or slavery, in short of all the blessings that can follow good government, or the evils that bad government can inflict upon the human race. At the last presidential election the country was in the midst of a bloody war, and had for three years been struggling in resistance against rebellion. The fortune of war was so varied that some patriots began to feel doubtful as to the result; others were hopeless. While on the one hand the rebels strove in military power, and, encouraged by sympathetic league with friends in the northern and western States, were bold, defiant, and boasted that they only needed for the final success that their friends in the northern States would carry the presidential election, these friends, who had resisted the war at every stage, were equally bold and confident in their expectation that their hour of triumph was at hand; but these hopes and expectations were doomed to ignominious overthrow at the polls by the election of Abraham Lincoln, and on the field of battle by our armies under the command of General Grant. [Applause.]

"Overwhelmed by these disasters, political and military, the rebels gave up in despair, declared their cause the 'lost cause,' and humbly sued for life, liberty, and property, professing to be deeply grateful for the generous terms that were offered. Of the causes that led to the rebellion and a justification of the nation in prosecuting the war, it is needless here to dwell. They are still fresh in your recollection. The graves of three hundred thousand patriot soldiers slain in battle by the rebels are still green, the tears of orphans, widows, and bereaved parents still flow, and the maimed and wounded soldiers around us are living memorials of the cruelty of the rebels in their war against the United States Government. You will bear in mind, however, that the rebellion was occasioned by a thirty years' conspiracy of those whom Mr. Johnson boldly termed the slaveholding oligarchy of the southern States—an oligarchy based upon land monopoly and slave labor. This slaveholding aristocracy thirsted to extend their territory and political power, and by extending their system into the free States to obtain a monopoly of the fertile lands and rich minerals of those States, and ultimately obtain control of the Government, Experience has shown that the systems of free labor and slave labor are hostile, and cannot exist together, so that the foot-hold of slavery is an impassable barrier to free emigration, and would give to the slaveholders not only a monopoly of lands, products, and minerals, but would command all the great channels of commerce with the Pacific and the nations of the East, and make them the richest people on the face of the globe. This ambitious aim was sternly resisted in the northern States.

"Mindful of the fortune of war, and fearful of delay, the first election of Mr. Lincoln was deemed by the slaveholders a fitting occasion for the outbreak of this rebellion. On the day after the presidential election the flag of the United States was hauled down and the Palmetto flag run up in Charleston. Conventions for secession were called in all the slaveholding States, and very soon ten States organized a so-called confederate government, hostile to the Government of the United States, at Montgomery, and transferred its capital to Richmond. Immediately afterward forts, arsenals, magazines, arms, ammunition, ship-yards, ships of war, and the public money were seized and converted to the purposes of the rebels. The navigation of the Ohio and of the Potomac were closed. Northern men and northern women were imprisoned or banished. The slaveholding States' armies were levied. The forts and troops of the United States were besieged, bombarded, and captured, and the capital of the nation at Washington was beleaguered and threatened by a hostile force.

"In this condition of things the first troops were called out in defense of this nation, and the first war loan negotiated; and for every life that has been lost, every drop of blood that has been expended, every dollar that has been laid out, every bond or note that has been issued, every tax that has been collected, the slaveholding aristocracy are responsible. They and their sympathizers in the northern and western States urged them to hold on, to carry on the war until they could obtain control of the Government at the next presidential election. The measures of Mr. Lincoln to defend the Government received the highest sanction. The Governors and Legislatures of loyal States vied with each other in urging enlistments. Congress at its first session voted an army of five hundred thousand men and $500,000,000 to support them. The people flocked from their homes by thousands and thousands to join the Army. The soldiers in every camp from the Mississippi to the Rapidan, from every corps, brigade, regiment, and company, shouted to their brethren at home to stand by the Government and rally round the flag.

"These measures of defense were not without opposition, for about the very time that Sherman and his army were forcing their way over the fortifica-

tions and the intrenchments at Atlanta, the convention at Chicago declared the war to be a failure and demanded the cessation of hostilities. This made a plain and broad issue, and very soon became the great issue of the presidential canvass. The result was decisive. Twenty-one States, two hundred and thirteen electoral votes, over twenty-eight million people, supported the Government. [Applause.] The estimate of General Grant upon this result is expressed in the following telegram:

CITY POINT, *November* 10, 1864—10 30 p. m.

Hon. EDWIN M. STANTON, *Secretary of War:*

Enough now seems to be known of who is to hold the reins of Government for the next four years. Congratulate the President for this double victory. [Applause.] The election having passed off quietly, with no bloodshed or riot throughout the land, is a victory worth more to the country than a battle won. Rebeldom and Europe will consider it so.

U. S. GRANT, *Lieutenant General.*

"The people, the army, *and the great commander thus sustained the emancipation proclamation which had been issued on the 1st of January*, 1863. Abraham Lincoln had struck a blow at the roots of the rebellion by liberating four million slaves, streogthening our Army and carrying dismay into the hearts of the rebels. [Cheers.] The full effect of this great measure was not appreciated until near the close of the war; but now, when the restoration of slavery is a cherished hope of those most hostile to the election of General Grant, it cannot be too well considered. The wealth and power of the rebels was mainly in their slaves; they were the producing and laboring class, and without their labor the plantations were of little value. By the system of enforced, unpaid labor, the rebel master was able to sow his land, gather his crops, feed and clothe his family, and furnish supplies to the army while the whole white population should engage in war. It was thus that slavery was soon found to be a mighty engine of war, more powerful than belonged to any other people; but it was different in the northern States. Every Union soldier that left his home to join the Army went from the farm, the workshop, or the manufactory, and diminished the productive industry of the State in his absence. The crops were ungathered and rotted upon the ground. The hammer was silent. The manufactory stood still. He had no slave to work to support his family and to do his labor for nothing. But the emancipation of slaves changed the position of parties. The slaves, cut loose from the plantations, flocked within our lines; thousands upon thousands joined our armies and performed military work. The condition of the war was therefore in some degree equalized, and this great act of Mr. Lincoln carried dismay into the hearts of rebels and strengthened the hearts of loyal people. Besides, a large and powerful party, who regarded slavery as a God-forbidden sin and crime, and had been laboring for years to abolish or limit it, gathered new hope and renewed their strength to bring the war to a close. Three things mainly contributed to overthrow the rebellion: first, the valor of our soldiers and the skill of their commanders; second, the public faith and credit, which enabled us to raise money to support the Army and provide for its wants; and, third, the emancipation of the slaves, which diminished their power and gave us strength.

"The credit and good faith of a State is essential to its existence, and they constitute the sinews of its power. But no Government can exist without credit sufficient to meet extraordinary emergencies; for no Government can in these times keep money in its treasury sufficient to carry on a foreign or domestic war, and construct a great national work like the Pacific railroad, or meet many of the exigencies that happen in the life of a nation. France, Russia, Austria, Great Britain, Spain, Italy, and the Papal States, and all the great Powers of the world, are compelled to rely upon their credit to meet great emergencies. This was eminently the case with the United States; for when the rebellion broke out the Treasury was empty, its arms and magazines had been plundered, and there were no means to carry on the war. By the effort of our enemies credit abroad was cut off, so that the Government must fall at the first stroke of rebellion or rely upon the faith of its people and its domestic credit. The Government belonged to the people, and they were equal to the emergency.

"By the purchase of bonds and current notes enough money was raised to meet the exigencies of the war, the Treasury was filled, and there was little necessity in the Treasury from the beginning to the end of the war, and then only for short periods, until a fresh appeal could be made, and thus it happened that the public faith and the public credit became a corner-stone of the State, and contributed largely to the salvation of the Government. When the war was over new and important duties devolved upon the Government; the Army had to be paid, the pensions provided, and protection and education given to the enfranchised slaves, the rights of citizens in all the rebel States secured, and the Federal guarantee of a republican form of government carried into execution. Immediately upon the meeting of Congress it devoted itself assiduously to this work—loans were issued, money raised, the Army paid as it was disbanded, while the widows and disabled soldiers were liberally pensioned. The Freedmen's Bureau was organized for the protection of the liberated slaves, the civil rights bill was passed to protect citizens in the loyal States, and measures adopted to give peace, tranquillity, and republican government in all the States whose governments had been cast off by the rebellion.

"Some of these measures have been carried out, others, for reasons needless to discuss now, still remain an unexecuted dead letter, and they will so remain until General Grant shall be elected President of the United States. [Great applause.] Grant, then, stands this day before us the foremost military commander in the world, with peace for his watchword. [Applause.] Why should he not be elected? What reason has any lover of country for not voting for him? By his side stands Schuyler Colfax, who, by his own energy, good character, and industry, advanced from the printing-office to the Speaker's chair, and for three successive terms has filled that high office with honor and distinction. Honest and upright men have been nominated for your Representatives in Congress, pledged to stand by Grant and the country. Why, then, again I ask, should he and they not receive your support? The history of Grant is known to you and to the world. Educated at West Point, he served with distinction through the Mexican war, and when it was ended, unwilling to be a drone, resigned his commission and engaged in the pursuits of civil life. Leaving his peaceful pursuits at the commencement of the rebellion, he joined the Army, and soon advanced to the rank of major general, commanding an army. After varied and important services he moved upon the enemy's works at Donelson, and compelled their commander, Buckner, to surrender with eighteen thousand prisoners of war. Soon after he grappled with Beauregard on the field of Shiloh and drove him and his routed army from the field. Resolved to open the navigation of the Mississippi river, he ran its batteries, fought and defeated General Johnston, chased the rebel General Pemberton into Vicksburg, and forced him to surrender with thirty thousand prisoners of war. [Applause.] Advanced to command all the armies of the West, he fought and defeated Bragg at Chattanooga, shattered his army, and delivered that vast territory from the hands of the rebels. [Applause.] Advanced still higher as Lieutenant General, he changed his headquarters to the Potomac, forty days' marching and fighting through the Wilderness drove Lee and his army into Richmond. Compelled to evacuate, Lee was chased to Appomattox Court-House, and forced to surrender himself and his arms and men as prisoners of war, which practically brought the rebellion to an end. [Applause.] And now I ask what reason has any man to vote against General Grant? *His capacity and integrity for civil administration were equally manifest in the vast territory in which he operated.* If any man among you would hide from the boy the musket and knapsack that his father carried at Donelson, at Vicksburg, upon Lookout mountain, throughout the Wilderness, be-

fore Richmond, at Five Forks, at Appomatox Court-House, and shouldering proudly marched with two hundred thousand of his fellow-soldiers through the streets of Washington and around the Capitol and Executive Mansion that he defended with his life for years in the long march, the wearisome siege, and the storm of battle, let such man vote against General Grant. [Applause.] If there is any man among you who would blot from the page of our history the story of these great achievements, let him draw black lines around them and write across their face, "Have no share in these great deeds, for I vote against Grant." [Applause.] Is there any man among you that would compel the armies of the Potomac, of the James, of the Ohio, of the Cumberland, of the Tennessee, and of the Gulf, to be again gathered at the tap of the drum and surrendered as prisoners of war to Lee and Johnston, Beauregard and Forrest, and Preston, let him vote against General Grant. [Applause.] If there is any man among you who has forgotten that bright summer Sabbath day the little Monitor, as she steamed out against the new sea monster, the Merrimac, and before noon drove her, shattered and crippled, to port; if there is any man who would have rejoiced to behold a cannon ball shatter Farragut, as lashed to his mast he drove through the rebel fleet and pushed them to pieces, let that man vote against Grant. If any man would have Worden, and Farragut, and Winslow, and all our great admirals haul down the star-spangled banner, never again to brave the battle and the breeze; if he would see them slink in shame from their own quarter-decks, and give up their ships to Maury, and Buchanan, and Semmes, and Moffat, while the confederate bars, emblems of slavery, flaunt on every sea, in every State, let him vote against Grant. Vote early and vote often; for if Grant be elected, this globe shall disappear from the firmament before the banner of the United States shall suffer tarnish or shame on the land nor on the deep. [Applause.] If there is any man among you that would reverse the order of history; who would bring upon you a shame and a reproach never before known among the nations of the earth; who would have the commander of the United States armies deliver up his sword and humbly bow before the rebel commander—let that man vote against Grant, but never again call himself an American citizen. [Applause.] If there is any man whose eyeballs would not burn to behold Lee upon the portico of the Capitol, with Beauregard, Preston, and Forrest at his side, with a confederate army around him, and, as the Government is transferred to them, listen to the rebel yell as it sounds on the field of battle and in the New York convention, [loud cheers,] let such a man vote against Grant and go to Washington on the 4th of March. [Applause.] Why, then, I repeat, should any lover of his country vote against Grant, Colfax, and the Republican members of Congress?

"A convention has been held in New York and put in nomination opposition candidates—Horatio Seymour and Frank P. Blair. Seymour professes that he is an unwilling candidate caught up by a whirlwind. [Laughter and cheers.] Blair was put in nomination by Preston, of Kentucky, who fought for years against his country, and the nomination was seconded by Forrest, of Fort Pillow. That nomination was received with acclamation, and the opposing candidates thus stand before you for your choice. The watchword of Grant, as I have said, is peace. Now, what is the watchword of the New York convention? A few days before the meeting of that convention, Frank Blair, in a manifesto to his friend Brodhead, declared the platform on which he was willing to stand. It was plain, direct, and the acclamation with which it was received by the New York convention proves it to be the real platform and settled purpose of those who support the convention and are voting against Grant The substance is: first, that the President shall declare all the reconstruction laws of Congress null and void; second, that he shall compel the Army to undo what has been done; third, that the white population of the rebel States shall be suffered to organize their own governments; fourth, that the talk about greenbacks and bonds and gold and the public credit and the public debt is idle talk; fifth that the President must trample in the dust th reconstruction laws passed by Congress.

"This platform admits and designs to admit n doubt or equivocation. And what is the true mean ing and result? If the reconstruction acts of Con gress may be declared by the President null an void, he then becomes a dictator, with the law making power in his hands alone. If he may com pel the military power to undo what has been don under and by virtue of acts of Congress, he becom a military dictator, and all form and semblance republican government is lost. If the white popu lation of the rebel States are to reorganize their ow governments without reference to the reconstructio acts of Congress, then it is plain to be seen that th first act will be the restoration of slavery—the re toration to the rebel power of the engine with whi it carried on the war, the perpetual power an domination of the aristocracy of the slave-holdin States—the slave oligarchy—forever in the South.

"After discussing the financial question and d nouncing repudiation, he paid a glowing tribute praise to the bravery of our Army and Navy describing the different marches, battles, naval com bats, and victories of the war. *He concluded h speech with an eloquent appeal to all loyal people, all who have their country at heart, to work unsel ously, to work with ardor, and by the election of Gra they would give liberty, contentment, and happiness the country forever.*"

It will thus be seen that the Senator fro Massachusetts, in the paragraph before quote from his speech, represents Mr. Stanton as fa sifying on his death-bed the truth as it appeare from his previously reported speeches.

In a speech delivered at Philadelphia, ju before the election of General Grant, M Stanton said:

"*Ladies and Gentlemen, Fellow-citizens of Phila delphia:* This mighty concourse, the largest that m eyes ever beheld, is significant of two things: firs it is a judgment in favor of Ulysses S. Grant." * * * "Upon the election next Tuesday, th 3d of November, I behold the rock of our nation safety; and upon the triumph of the banner whic is held in the hands of Ulysses S. Grant I behol the victory of the principles of freedom and of ju government, now, and in all time." * * *

"Why then, fellow-citizens, have you this nigh passed judgment in favor of Ulysses S. Grant an against Horatio Seymour? The first reason is fro the persons who put them in nomination before th people, and who are now urging them forward candidates for the Presidency of the United State They met in New York a short time ago; and wh were they? They were red-handed rebels, prison ers of war to the United States, they and their asso ciates. These are the men who put in nominatio Horatio Seymour. Who put in nomination Ulysse S. Grant? The great Republican party that bor this nation triumphantly through the war, unde the Divine blessing, amid the trials and danger and all the vicissitudes of the great war that w have just passed through. He was nominated b the great Republican party. The first reason, the why we should prefer Grant on next Tuesday t Seymour is to be found in the organization and pe sons who placed them in nomination, and in thos whom they represent. Grant represents the loya heart of America; Seymour is a traveling agent o Wade Hampton and Forrest.

"Another reason for your judgment is to be foun in the merits of the persons themselves. In Gra we behold the leader of our armies in the path victory. [Applause.] In Grant we behold the gre General who, under divine Providence, led ou armies, supported as they were by some of thes who are here before you to-night. The same gallan General who, assisted by your present Governo John W. Geary, and aided by your late Governo Andrew G. Curtin, here at home, in the executiv council and State administration, led you onwa

from the Mississippi to the Potomac eastward, until no rebel flag poisoned the gale on this continent.

"These, then, are reasons which fully justify the choice which you will make next Tuesday; but these reasons are denied by others, and chiefly by the agent, the representative of Forrest and of Hampton, who has recently been traversing this continent for one thousand miles, giving reasons why Grant should not be elected, and why the banner of the Union, dishonored and inglorious, should be intrusted to his hands." * * * * *

"The mistakes mentioned are, Seymour says, 'the mistakes of the Republican party.' What, then, has General Grant got to do with them? [Cheers for Grant.] While Congress may have made mistakes, if you please, without number—day by day made mistakes—Grant was before the enemy's face fighting him; he was taking no surrender, except that it was 'unconditional!' [Applause.] No terms left his lips but 'unconditional surrender' of the enemy of his country." * * * * *

"Upon the 5th day of July, 1863, notwithstanding the conduct of Horatio Seymour, the sun of our country's glory burst forth in splendor through the dark cloud of rebellion that had for some years overshadowed it, and the baleful exhalations of treason were scattered. Do your duty next Tuesday, and the sun of our political glory will shine as brightly and with as great a luster as it shone on the day of the 4th of July at Vicksburg and at Gettysburg. [Applause.] Vote against Grant, and the darkness and gloom that will settle over this country like the pall of midnight will settle deeper and deeper over the land, over its prosperity, over all the elements of national power, over all the elements of national honor, over all the elements of national strength, and the greatest calamity that ever befel a people will happen. May divine Providence avert that catastrophe."

On the same night, Mr. Stanton was serenaded at the Union League, and spoke as follows:

"*Fellow-Citizens:* General Grant never looked upon an army of the enemy of his country but to conquer it. [Applause.] He never sat down before a rebel stronghold to besiege it, but it fell before him. The same arm that supported him at the head of his Army, and the gallant troops that followed him will continue to uphold and support him, because he represents the great American heart; and the triumphs that have been won by the physical armies, will be more than repaid, thrice repaid, by the glorious victory of next Tuesday."

It is a fortunate thing that the dead Secretary has left it out of the power of the living Senator to belie him.

Further quotations might be made from speeches of Mr. Stanton in the campaign which resulted in General Grant's election, to show that Mr. Stanton not only referred to General Grant by name, but that he accompanied the mention of that name with most flattering commendation. But the quotations I have made are sufficient to show either that Mr. Stanton on his death-bed uttered a falsehood to the Senator from Massachusetts, a falsehood which he must have known to be susceptible of easy contradiction by reference to the reports of his speeches during that campaign, or that the Senator from Massachusetts deliberately falsified Mr. Stanton; and I am content that the American people shall judge between them.

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